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Photo by Alyson Virva,
Aspen Trails Photography, LLC
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Southern Hospitality

Recent visits from USPTO IP attachés in Orlando and Atlanta provided interaction and education with an international flavor

For 10 years, former and current staff from the USPTO's Intellectual Property (IP) Attaché offices have visited businesses, inventor support organizations, and legal representatives to hear the concerns of stakeholders and educate them about IP. During recent visits to Orlando and Atlanta, the attachés continued the tradition, presenting a world of possibilities and information to local innovators exploring international IP protection.

The team included David Kellis, IP attaché from the Brazil (Mercosur) office; John Cabeca, IP counselor from the India (South Asia) office; Gabriele Gagliani, an IP specialist and lawyer from the Europe office; Duncan Wilson, China senior attorney and former IP attaché from the Beijing, China office; Deborah Lashley-Johnson, acting director of the IP Attaché Program, and other members of the USPTO's Office of Policy and International Affairs.

They visited locations across the creative and innovative spectrum, including Universal Studios, the Kennedy Space Station, Tyler Perry Studios, and Georgia Lawyers for the Arts, promoting attaché services for U.S. stakeholders hosted in 10 countries around the world.

These were the first in-person attaché visits like this since COVID-19 emerged as a worldwide health threat in early 2020 and required the attachés, like many others, to conduct outreach

online. Previously, the attachés held similar tours in Seattle and Boston. They were excited to re-engage with innovators in person for this trip, and are already planning to visit similar groups in San Diego next year.

Situational instruction

When it comes to educating people about international IP protection, one size does not fit all.

Each global region has its own legislative process and legal structures relating to getting and enforcing IP rights. Attachés shared insights on what U.S. innovators should consider as they secure international IP rights and invited stakeholders to take advantage of the many USPTO resources available to help protect IP at home.

Attachés—who are extremely well versed in all areas of IP law—also have connections in their representative regions that can help American businesses facilitate commercialization in the area and mitigate many pitfalls that U.S. stakeholders encounter. In relation to IP, they help people understand how to navigate foreign laws and regulations, as well as how foreign courts and governments work.

High tech, high stakes

The Orlando visits centered around many high-tech projects and considerations, including the Orlando Economic Partnership (OEP),

IP attachés shared insights and resources as they toured facilities at Orlando-based Limbitless Solutions, a small nonprofit that uses cutting-edge engineering, gaming, and art tech to design prosthetics primarily for children.



Cenflurence, and the Florida High-Tech Corridor: a collection of universities and small and medium-sized tech enterprises from 23 counties across Central Florida that have witnessed substantial growth in their region.

The Central Florida region has an active tech sector, which includes semiconductors. The attachés discussed how IP is vitally important to the American semiconductor industry, which depends on a robust patent system and strong protections for trade secrets, as well as tools to combat the spread of counterfeit goods.

They also shared the USPTO's Semiconductor Technology Pilot Program, which supports the unique needs of this industry by expediting the examination of patent applications for innovations that increase semiconductor device production, reduce semiconductor manufacturing costs, and strengthen the semiconductor supply chain.

The meeting hosts appreciated the attaches' valuable insights visit.

"I know these kinds of true face-to-face discussions play a huge role in boundary-breaking collaboration, community-driven innovation, and building deep trust between all of our teams," said Paul A. Sohl, CEO of the Florida High Tech Corridor.

Attachés connected with a wide range of people, companies, and nonprofits:

- Heads of semiconductor companies, including Tokyo Electron, imec, BRIDG, and SkyWater
- Attorneys and technology personnel at Universal Studios
- Limbitless Solutions—a small nonprofit dedicated to improving lives, primarily of children, through the development of bionic arms
- A group of private companies, IP practitioners, and local government officials in the commercial space and aerospace sectors

Atlanta highlights

The visit in Georgia focused more on innovation in the arts, which also benefits from the insights attachés can provide.

At Tyler Perry Studios, attachés had an informal discussion with various representatives from law firms,

the Georgia Film Office, and artist organizations. In addition to discussing the state of relevant IP areas in the region, they also shared about the unique issues of piracy in India, film censorship in China, and the implications of artificial intelligence globally. "I think it was all a great success," said Brandon Anthony, general counsel for Tyler Perry Studios, about the visit. "We will for sure stay in touch, as the group was very impressed with the program."

Attachés also met with representatives of the Georgia Lawyers for the Arts (GLA), which provides IP law support for artistic creatives and inventors. GLA has worked closely with the USPTO Patent Pro Bono program to provide support for innovators in several southeastern states.

They discussed such international issues as retaining and working against the misappropriation of artists' work, and preventing infringing products from entering the U.S. marketplace.

Specifically, attachés provided overviews of the Brazilian IP landscape, to include potential pro-artist copyright legislation and discussions regarding the protection and definition of "traditional knowledge."

There was also a discussion focused on IP in India, the high number of trademark oppositions, and the potential of avoiding such by using copyright injunction, increased geographical indications protection (over 600—the highest in the world), and trade dress protection.

How to benefit from this program

If you're looking to expand into the international marketplace, reach out early to the USPTO's IP Attaché Program to gain valuable information about the region's IP landscape. You'll get advice on considerations to keep in mind, depending on what your innovation is and which overseas marketplace you're exploring.

They are available to support innovators at any stage of the IP protection process.

Learn more about the program, use our interactive map to identify IP Attachés by region, and find review case studies to see how they've helped others at uspto.gov/ip-policy/ip-attache-program.

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JOURNEYS OF INNOVATION

Steeped in Excellence

Dr. Charles Drew pioneered blood preservation and storage while advocating for more opportunities for Black physicians **BY LEAH TABER**

Carrying a tray of bright red geraniums, Dr. Charles Richard Drew led his daughter to the backyard of their three-story house on the campus of Howard University in Washington, D.C., where a circular arrangement of colorful blooms awaited them.

Working between 12 and 16 hours a day as a surgeon and scientist, Drew always made time to tend the sizeable flower garden. On this warm spring day, he tasked his daughter, Sylvia, to help plant them.

Drew outlined her seemingly simple job in detail: dig a hole, take the flower out of its tray, place it in the hole, then pack dirt firmly around the plant so that the stalk would stand straight and tall. The 5-year-old affirmed that she understood.

Knees in the dirt, Sylvia grabbed the garden trowel and repeatedly plunged the tool into the earth until she made an adequate hole. Grasping the leafy green stem, she plucked the first flower out of the tray, placed it in the hole, and covered the base with dirt before looking to her father for approval.

Laying down the small garden shovel, Drew informed his daughter that they couldn't move on to the next one. She protested: She had put the plant in the hole and covered the roots with dirt, just like he asked. He explained that, without packed dirt, the geranium could die because it didn't have the support it needed to grow.

"So I worked very hard to get that dirt packed hard around the flower," Sylvia Drew Ivie—now 80—recalled of that memory from 1949.

"And that's the way we proceeded to plant all those little red flowers. I remember how important it was to me to listen to the instructions, to follow his directions, and to get it right."

His children and medical students remembered his motto well: "Excellence of performance will transcend artificial barriers created by man."

Dr. Drew maintained his commitment to excellence in whatever he did, from his research and groundbreaking leadership in blood plasma preservation and storage in World War II to what he saw as his most important innovation: training a cadre of elite Black surgeons at Howard University's medical school and placing them in institutions and hospitals across the country.

A car accident early on the morning of April 1, 1950, cut short Drew's Herculean efforts to overcome racial segregation and discrimination with Black excellence.

After a full day of performing surgery, teaching, attending university events, and doing hospital rounds, he was traveling with three colleagues to the John A. Andrew Hospital annual free clinic in Tuskegee, Alabama, when he fell asleep at the wheel, overcorrected, and crashed near Burlington, North Carolina.

His passengers escaped with minor injuries, but Drew was not so lucky. The segregated hospital to which he was taken used every possible measure to save him, but his injuries were too great. He died at 45.

Drew left behind an incredible legacy at Howard's department of surgery. He created, trained, and nurtured the first members of his hoped-for community of Black surgeons—the flowers he planted, steeped in excellence.

From his appointment to his post in 1941 to his death, he trained over half of the Black surgeons certified by the American Board of Surgery. Another 14 surgeons who received part of their training from him passed the boards after his death.

For the entire story, see uspto.gov/learning-and-resources/journeys-innovation.



When asked about Dr. Charles Drew's educational impact for a 1978 article in *Ebony* Magazine, former student Dr. Charles D. Watts declared, "He helped prepare a whole generation of surgeons and a whole new thrust in training...Black surgical training has never been the same."

Below right: Drew's lauded blood plasma work saved thousands of Allied soldiers' lives in World War II—even as he continued to face discrimination at home.



PHOTOS COURTESY OF CHARLENE DREW JARVIS AND THE NATIONAL MUSEUM OF HEALTH AND MEDICINE; OPPOSITE PAGE: PHOTO BY JAY PREMACK/USPTO

Pro Bono Aid Setting Records

Patent practitioners and law firms helping under-resourced inventors and small businesses

Following its release of the National Strategy for Inclusive Innovation, the USPTO is celebrating more record numbers of patent practitioners and firms participating in its Patent Pro Bono Program.

The program is a nationwide network of independently operated regional programs that match volunteer practitioners with inventors for the purpose of securing patent protection. Each regional program provides services for residents of one or more states; collectively, they cover the entire country.



This past year, the program featured more than 120 patent practitioners reporting 50 or more hours each of patent pro bono service to a regional patent pro bono program, up from more than 90 the previous year.

In addition, 28 law firms contributed significant hours to one or more participating regional programs, up from 25 the previous year. Their support resulted in more than 205 pro bono patent applications filed with the USPTO in 2023.

More than 4,400 inventors have been matched with a patent practitioner through the Patent Pro Bono Program.

The 2023 recipients of the Patent Pro Bono Achievement Certificate are listed on the USPTO's Practitioner Recognition page and Firm Recognition Page. For more information, visit uspto.gov/ProBonoPatents and click on your state to identify a regional program in your area, or email probono@uspto.gov.

WHAT'S NEXT

INVENTION-CON 2024 COMING

IN AUGUST: Grow your intellectual property knowledge and gain access to resources, business experts, and accomplished innovators at the USPTO's flagship conference for inventors, makers, and entrepreneurs, happening August 16-17 online (August 16 only) and in person at USPTO headquarters in Alexandria, Virginia. Visit uspto.gov/inventioncon to learn more.



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

NEWS FLASH

BANKS TO LEAD MIDWEST REGIONAL OFFICE:

Derris Banks has been appointed regional director of the USPTO's Elijah J. McCoy Midwest Regional Office in Detroit. The office serves Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, and Wisconsin.



Banks joined the USPTO in June 1994 as a patent examiner, examining applications related to semiconductor fabrication and abrasive tool manufacturing. He has championed inclusion efforts, such as leading a World Intellectual Property Organization delegation effort to incorporate more inclusive language in the International Patent Classification system, as well as developing a common classification system for female-related technology (FemTech).

MAP UPDATES LOCATIONS: The recently updated USPTO Locations map makes it easier to pinpoint regional office and Patent and Trademark Resource Center locations, and allows filtering by state and region. Each state also has a map with more specific location details and local inventor resources. See uspto.gov/about-us/uspto-office-locations.

12,000,000th Patent Awarded

The USPTO granted its 12 millionth utility patent on June 4. "Labeled Nucleotide Analogs, Reaction Mixtures, and Methods and Systems for Sequencing," awarded to Pacific Bioscience in Menlo Park, California, involves a chemical reagent for use in DNA sequencing that produces faster and more accurate results.

Inventors listed on the patent are Lubomir Sebo, Gene Shen, Stephen Yue, Honey Osuna, Yuri Lapin, Louis Brogley, and Andrei Fedorov.

Since the patent numbering system began in 1836, the number of inventors applying for and receiving patents has increased at an exponential rate, with only three years between patent 11 million and patent 12 million.

From agriculture to transportation, consumer products to biomedical advances, patents reflect the leading-edge technologies of their time.

The 'Say Hey Kid' Had a Trademark



Charlie Sheen has intellectual property (your joke goes here).

So did Eddie Van Halen and Steve McQueen. So does Paula Abdul. Gary Burghoff. Jamie Lee Curtis. All these celebrities are or were patent holders.

Patents, trademarks, copyrights and trade secrets are an increasing fact of everyday life for all of us—which is why *Inventors Digest's* primary mission is to educate you about them. And it's only natural that a celeb-obsessed public is more interested in Taylor Swift's trademark war chest than those belonging to Your Company's Name Goes Here.

Along these lines, I often go to my favorite search engine just to make sure that a public figure does or doesn't have intellectual property. So when I Binged "Willie Mays trademark," I was surprised and not surprised with the result.

Basket catch

The **basket catch** was Mays' trademark, catching fly balls at his waist instead of over his head.

As mentioned in this space before, invention and innovation do not have to be intellectual property to have relevance. Mays' basket catch personified easy grace and having fun—inviting us to express ourselves and be comfortable in our own skin.

The basket catch was not demonstrative or excessively showy. It was simply Willie Mays.

Mays' June 18 death at 93 marks more than the passing of probably the greatest all-around baseball player who ever lived. It's a reminder of a distinct style and how we should always celebrate this.

Willie had other trademarks. One of my favorites was how his voice would climb into a squeaky pitch when he was kidding others or expressing indignation, whether mock or otherwise.

You've got trademarks, whether or not you ever spend a dime on intellectual property. We all have them. It should be a comfort to know they will never expire.

—Reid

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Inventors

DIGEST

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CORRESPONDENCE

Claim to Fame

(August 2018)

He became grandfather to Linda Ronstadt in the late 1940s. —MARK WERNER

Editor's note: Thanks for the reminder, Mark. As we noted in a sidebar to the Lloyd Copeman feature, Ronstadt was a granddaughter of one of the most prolific and productive inventors in U.S. history—who, inexplicably, is still not in the National Inventors Hall of Fame despite amassing some 700 patents. He died in 1956.

More than 20 years ago, a dear friend got me tickets to a Ronstadt performance at Michigan State University, where she sang only classical songs. She told the crowd how Copeman was expelled from MSU—it's unclear why—but that when he became an influential inventor, the university offered him an honorary doctorate. He refused.

In her 2013 biography, "Simple Dreams," Ronstadt recalled his demonstration of a 1918 version of the

microwave that fried an egg through a newspaper, and how he developed state-of-the-art equipment at the Buick factory in Flint, Michigan.

Our cover story attempted to right the wrong of Mr. Copeman's absence from the Hall of Fame, to no avail. As Ronstadt grows more frail during her battle with Parkinson's, time may be running out for her opportunity to lobby for this obviously deserved honor.



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As did many other kids growing up in the 1960s and '70s, **Jerry Seinfeld** loved Pop Tarts. After his "Unfrosted" movie—which compares the race to create Pop Tarts to the race to land on the moon—debuted May 3, Pop Tarts made a public effort to love him back.

One might assume Seinfeld had permission from Kellogg's, the

HOW DID SEINFELD GET AWAY WITH THAT?

maker of Pop Tarts, to use the trademark. Not only is that incorrect, but Seinfeld has mentioned many times that Kellogg's did not authorize it.

This is where intellectual property can be fun.

Not only did Kellogg's—now Kellanova—not respond with a lawsuit, it produced limited-edition Unfrosted Strawberry "Trat-Pops" packaging, as seen in the film. (In the movie, a character portraying TV newsman Walter Cronkite accidentally reads the product name backward, and the prototype packaging comes out that way.)

Kellanova also created a fun, two-minute video spoof that shows Kellogg's executives calling in Seinfeld for trademark

infringement. Go to youtube.com/watch?v=6Uv1ofWr8Zk.

Kellanova might not have had any choice other than to just grin and share it.

As IP attorney Bryan Wheelock noted in a story on IPWatchdog, trademark law only offers two basic protections: 1) against infringements, via users who are likely to cause confusion about the source of the original product; and 2) dilution, or uses likely to dilute a mark's distinctiveness or tarnish its reputation.

Also, parody is often cited as another exception to trademark protection, particularly concerning dilution. So in this case, everyone has a good time while creating goodwill.—Reid Creager

BRIGHT IDEAS

TerraMow

WIRE-FREE, AI VISION

ROBOT MOWER

terramow.com

With automotive-grade cameras and powered by 3D visual sensing and AI semantic perception technologies, TerraMow perceives and categorizes 3D objects in real time.

By detecting lawn boundaries and sensing 3D obstacles, it creates a lawn map of pixel-level accuracy through the app.

TerraVision provides accurate and real-time positioning, even in challenging environments such as narrow pathways and thick tree cover. It mows in ordered, parallel paths and plans mowing paths to trim lawn edges precisely.

TerraMow is set for launch this year. Its base-level S800 will retail for \$1,799.



Desk Net Cat Bed

CAT BED THAT FREES UP WORKSPACE

quantummango.com

This cat bed on a stand keeps your cat nearby and in a higher space—which cats often prefer—without sacrificing room on your desk. It's easy to attach and adjustable.

The metal structure holds up to 25 lbs., with adjustable height and 360-degree rotation. The bed, with a 15-inch inner diameter, comes with a washable cushion.

Setup is easy. The stand apparatus attaches with a sturdy clamp that is padded to protect the desk surface. The bed comes in a walnut or white oak finish.

Desk Net Cat Bed, which will retail for \$169, is scheduled for shipping to crowdfunding backers in October.

Choppy

WOODEN BALANCE BIKE FOR CHILDREN

stum.store

Made for kids up to age 4, Choppy helps train and build confidence for young children on bikes.

Ultra light—weighing less than 3kg because it does not have the standard metal bearings or even one screw—Choppy has adjustable seats and handlebars and a springy backseat to protect the child's back. The bike purportedly can be disassembled and put together in minutes by adults without using any tools.

Choppy is made of sustainable materials. Its construction features wood, different polymer composites and very little metal. The packaging doubles as an adventure track with lively drawings and can be used as a board game.

The bike sells for \$214.



**“Learning and innovation go hand in hand.
The arrogance of success is to think that what you did
yesterday will be sufficient for tomorrow.”**

—WILLIAM POLLARD



VIBESPIN

PORTABLE RECORD PLAYER

getvibespin.com

VIBESPIN combines the classic music playing experience of vinyl records with Bluetooth functionality in a compact and retro vintage style.

The player takes up only half the area of a 12-inch record, making it one of the smallest record players. Its built-in speaker, rare in today's market, is said to “ensure unparalleled sound reproduction.”

For outdoor use, the battery and speakers are already fully integrated, requiring no external power or attachment. The premium cartridge-like needle and arm are protected by a clear unibody cover.

VIBESPIN can play over 20 standard 12-inch LP records on one full charge. With a projected retail price of \$179, it is to be shipped to crowdfunding backers in November.

Safer Sizzle

SPARKLERS, AN INDEPENDENCE DAY INSTITUTION, FAR PREDATE THE UNITED STATES OF AMERICA **BY REID CREAGER**

THE AMERICAN SOUTH'S glorious yet troubled history features an enduring subplot: a love affair with fireworks.

Shoot-into-the-air-exploding firecrackers—fireworks with a capital F, for fingerless—are much more legally and readily available in the South than in many pockets of the northern United States. It's not uncommon to hear them throughout July, even at Christmas.

Independence Day fireworks displays are a traditionally dramatic spectacle. So are screaming ambulances that all too often abbreviate these events: About 10,200 Americans were hospitalized with fireworks-related injuries in 2022, according to an annual report by the Consumer Product Safety Commission.

For many, handheld sparklers are celebration enough—and without scaring nearby dogs into a drooling, shivering mess.

Federal regulations consider sparklers “novelties” that are not subject to the same scrutiny as other fireworks, which allows retailers in most states to legally sell them to anyone older than 13. They are legal to ship and sell across state lines, barring possible local regulations stating otherwise.

Besides, if Callinicos of Heliopolis and cheirosiphons don't spark your interest ...

Made for defense

Explosive fireworks are said to have originated in China during the Han Dynasty (206 B.C.-220 A.D.) to ward off evil spirits, as people threw bamboo stems into a fire to produce a loud bang. (Bamboo has hollow air pockets, which inflate and burst when subjected to heat.)

Callinicos, a Byzantine architect and chemist who lived around 670 A.D., is generally regarded as the inventor of sparklers.

Little is known about him. According to encyclopedia.com, which provides a different spelling of his name:

“Around the time Callinicus was born, there was significant hostility between the Arab and Byzantine empires. This would eventually spill over to his hometown of Heliopolis in Syria, where Callinicus was an architect and inventor.

“In order to flee from the advancing onslaught, he escaped from Syria and made his way to Constantinople. Callinicus was still concerned about the advancing Arabs, however, as he had evacuated his city just months before the battle of Yamuk. ... Thus, it seems that this Jewish refugee began to experiment with various combinations of chemicals to develop a weapon that would help defend against the Arabs.”

HOT STILL MEANS DANGEROUS

Sparklers are undoubtedly safer than explosive fireworks. But the National Safety Council isn't trying to be a buzzkill when it reminds us that they present their own dangers.

These little wands burn at about 2,000 degrees, which is hot enough to melt some metals. Sparklers can quickly ignite clothing. Dropping them on your feet can burn them.

According to the National Fire Protection Association, sparklers account for more than 25 percent of emergency room visits for fireworks injuries. For children younger than 5, sparklers account for nearly half the total estimated injuries.

The National Safety Council suggests alternatives such as glow sticks, confetti poppers and colored streamers.





Callinicus of Heliopolis, a Byzantine architect and chemist who lived around 670 A.D., is generally regarded as the inventor of sparklers.

3 key components

He made a firework weapon called a cheirosiphon, a handheld device first designed to fend off arriving enemy ships by shooting flames toward the enemy. Also known as Greek fire, it is thought to have resembled a roman candle.

The more modern version of the sparkler was developed in Germany around 1850. Called a wunderkerzen, it was basically a wire dipped in gunpowder. Sparklers debuted in America in the early 1900s, coinciding with the creation and availability of aluminum powder.

Today's sparklers are a thin shaft—usually an iron wire—coated in a flammable paste consisting of three components: metal fuel, which reacts with oxygen to create sparks and color (the latter depending on the fuel chemical used); oxidizers, which release oxygen molecules to provide the chemical reaction; and binders, which hold together the mixture.

Using aluminum and magnesium elicits a light yellow or white-ish glow—perhaps the most common color. Iron gives off a red glow; titanium, silver/white; and ferrotitanium, golden.

Because the components in sparklers are consistent and identifiable, some people want to make their own.

That's a bad idea, unless you don't care about your bank account or your hands: The cost of all the materials and equipment far surpass the retail price of traditional sparklers, and mixing anything that has flammable properties is never a good idea.

Wedding pizzazz

In recent years, sparklers have grown in length (some reportedly reaching 12 feet) and design variations, as well as in the number of celebrations that utilize them.

You've got your star-shaped sparklers for the Fourth of July. Bottle sparklers for champagne toasts. Sparklers for cakes that won't disturb frosting.

An increasing number of websites are devoted specifically to their use at weddings, with information ranging from where to buy premium wedding sparklers to creative ideas for using them to the riveting "Wedding Sparkler Mistakes to Avoid."

Maybe not what Callinicos had in mind. ☹

INVENTOR ARCHIVES: JULY

July 27, 1938: Gary Gygax, who co-invented the Dungeons & Dragons tabletop role-playing game, was born.

His father was a Swiss immigrant and former violinist with the Chicago Symphony Orchestra. As a boy, Gygax and his friends crafted intricate tabletop recreations of famous battles, including the Battle of Gettysburg.

The first edition box set of Dungeons & Dragons was released in 1974 and sold out in less than a year. It was especially popular on college campuses. Gygax died in 2008 at 69.



And Here's the Pitch (Letter)

TIPS ON AN OLD-SCHOOL APPROACH TO LANDING
A LICENSEE FOR YOUR INVENTION **BY JACK LANDER**

LET'S SAY you have received your patent on your Turneez™ can opener (an imaginary kitchen tool). So, your next major step is licensing.

You have used the time waiting for your patent to issue to prepare a list of companies that market kitchen tools. Now you have to contact them and propose licensing your patent rights.

One way to contact a prospect is to show up at the home office of your first-choice marketer and hope you can entice the director of marketing to invite you to his or her office for discussion and a demonstration. But suppose you live in New York and the producer's home office is in San Francisco? Do you have the money for a plane ticket, cab fare and so on?

Not likely, after paying big bucks for your patent work. In any case, it's not a good idea to attempt to get a face-to-face interview without first agreeing to a time and place to meet.

Also, to land your licensee may take several original contacts and interviews. Even if you are lucky and conclude a deal with the first of your prospects, it may make sense to use the U.S. Mail to negotiate an invitation for a face-to-face meeting.

A letter usually makes more sense than a "cold" call. But prior to your letter, phone the company and ask for the correct spelling of the marketing director's name and his or her exact title. You will probably receive a reply from a subordinate of the director who has been delegated to handle the early communications.

Advantages of an initial letter are:

- It saves money and time.
- You can send out two or more at once. (Responses are often slow or no answer at all.)
- If you receive a few responses within a short period, you can prioritize them and respond to the most promising first.

- You will have the name of the contact person you'll be dealing with early, in case you wish phone contact.

Form example

A typical first letter to prospects should use the following form:

*Patented new product offered to
Modern Kitchens, Inc.
To: Michele Smithers, vice president,
product development
Subject: The photos enclosed show
the patented Turneez™, in action.*

Dear Director Smithers,

Turneez™ has been thoroughly tested in more than 30 homes under typical food-preparation conditions and has received enthusiastic praise in every case.

Users praised the ease of locking the opener in place on the can, which is a major complaint on competitive products, and the super-easy cranking of the handle. In addition, cleanup is quick and simple; just rinse using tap water. A video of Turneez™ can be seen in action on Instagram or YouTube.

I would like to send you one or more prototype samples so that you can have your relatives or friends test them firsthand. Alternatively, I would be happy to visit you in person to demonstrate Turneez™ and discuss its profit potential for Modern Laundry Inc. from licensing of the Turneez™ patent.

*Sincerely,
John Rogers, patent holder*

You may be tempted to send a copy of your patent along with your letter. That's not a good idea, in my opinion.

A patent has a mystique about it. Use that mystique to create excitement and incentivize your contact to want to see the product and the patent.

Are all your claims unique?

Most people assume a patent covers the entire item, whereas it may only cover a fraction of the features. That is another reason to withhold the patent at first—especially if your patent covers only one or a few claims.

True story: I was coaching the inventor of a more comfortable head mount for holding and reading small books. He had applied for a patent, but his application was rejected.

As you may know, we inventors can phone and talk to the men and women in the patent office who approve or reject our applications. They typically are not cynical people who get their kicks from using a huge “REJECT” stamp. They are generally friendly and willing to explain their rejections.

The bottom line is that the office's rejections are based on existing prior art or not passing the “unobvious” test. In other words, another patent already covers a claim in your application, so if the office were to allow your claim you would risk a lawsuit from the other inventor. Or, your claim(s) are not sufficiently novel that they pass the unobvious test.

My point is that the head piece on my example lacked a small lip that would prevent a book from sliding off. The inventor added a claim for the lip and eventually received his patent.

All the remaining features that seemed to make the invention novel and marketable had been covered in out-of-date patents. Thus, all features except the lip were not patentable due to prior art (existing patents), and the inventor received his patent based on the one seemingly minor feature, the lip.

You may ask: How valuable is a seemingly minor claim in your patent?

In other words, would the lack of the feature and its patent claim make a difference in how



Most people assume a patent covers the entire item, whereas it may only cover a fraction of the features.

many more of the product you would sell due to the inclusion of that feature?

Your satisfied customers will be the best source of your answer.

For many products, such as the lip in the example above, the added feature has no cost except in the making of the production tooling.

For example, a molded or stamped product may include several small features that are built into the mold or the stamping die-set. The added cost of the product due to added plastic or metal is negligible, but the features offer significant utility to the product and provide attractive advertising claims.

Back to the pitch letter and the pitch.

If your invention lacks features that attract attention, consider adding one or more that add utility. Check out the competing products. You might be able to turn ordinary into extraordinary—a winner. 🏆

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



Safety in Numbers

MAXIMIZING LINKEDIN GROUPS, BUILDING ON THE POWER OF THE WORLD'S LARGEST PROFESSIONAL NETWORK **BY ELIZABETH BREEDLOVE**

LINKEDIN, the world's largest professional network, provides many opportunities for inventors and entrepreneurs to find new ways to refine ideas, gain feedback and network. LinkedIn Groups can enhance this.

These forums provide a platform for discussion, collaboration and learning, making them an essential tool for anyone looking to improve inventions and advance their success. With LinkedIn Groups, professionals with common interests or in the same industry can share content, seek advice, post and view jobs, make business contacts and establish themselves as industry experts.

Here are the benefits, processes and strategies for joining and participating in LinkedIn Groups relevant to your field, industry or niche, helping you leverage this resource to its fullest potential.

Major benefits

- **Networking:** Connect with industry leaders, potential partners, investors and other innovators.
- **Feedback:** Get constructive feedback on your inventions and ideas.
- **Trends and insights:** Stay updated on industry trends and technological advancements.

- **Knowledge sharing:** Gain and share knowledge that can help refine your inventions.
- **Opportunities:** Discover collaboration, funding and business possibilities.

Finding the right groups

To maximize participating in LinkedIn Groups, it's crucial to join the right ones. How to identify and select the most relevant groups:

Define your objectives. Clearly outline what you aim to achieve by joining LinkedIn Groups. For example, are you looking for feedback on your invention? Seeking potential collaborators? Wanting to stay abreast of industry trends?

Search for groups. Use LinkedIn's search functionality to find groups related to your field. Utilize keywords relevant to your invention or industry.

Evaluate group activity. Join groups that are active with regular posts and discussions. An active group ensures you'll find opportunities to engage in meaningful conversations and receive timely feedback.

Check member profiles. Look at the profiles of group members to ensure they align with your professional interests and your goals of participating in a LinkedIn Group. Groups with members who have diverse expertise can provide a broader range of insights.

Review group rules. Each group has its own set of rules. Be sure you can adhere to them, and that they support your objectives. Some groups might focus on discussion and networking; others might be more oriented toward job postings and industry news.

How to join

Once you've identified the groups you want to join, the process is straightforward.

First, send a request. Click the "Join" button on the group's page. Some groups may require approval from the group administrator, so make sure your LinkedIn profile is complete and professional.



Then, introduce yourself. After being accepted, provide a brief introduction mentioning your field of work, your invention(s), and what you aim to gain from the group to help you make a positive impression and attract like-minded connections.

Participation strategies

Simply joining the right group isn't enough if you want to find success in LinkedIn Groups; active and strategic participation is key. Follow these tips:

- 1. Be active and consistent.** Regularly participate in group discussions by commenting, liking and sharing posts. Similarly, post updates about your projects, milestones and questions you have. Maintaining consistency and participating often helps to build your presence and establish yourself as a thought leader.
- 2. Seek and provide feedback.** Share your ideas and inventions with the group, especially on new inventions or products you are developing. Be open to constructive criticism! And, offer feedback on others' posts when the opportunity arises. This fosters goodwill and encourages reciprocal feedback.
- 3. Engage with influencers.** Identify and interact with any influencers or experts within the group, as their insights can be invaluable. Engage with their posts and participate in discussions they initiate to build rapport.

4. Share valuable content. Post articles, whitepapers or research relevant to your field. Sharing valuable content can position you as an expert and attract attention to your work. Ensure the content is informative, relevant, and adds value to the group.

5. Ask questions. Whether you need advice on a technical issue or feedback on a concept, posing questions can generate engagement and useful responses.

6. Host virtual events. Consider proposing and organizing webinars, virtual meetups or discussion sessions within the group. This can provide deeper engagement with group members and foster collaborative opportunities.

7. Respect group norms. Adhere to the group's rules and guidelines. This includes respecting others' opinions and maintaining a professional tone. Avoid overt self-promotion.

8. Follow up. Don't ignore other group members' feedback or conversation points. When you receive feedback or make new connections, follow up with a thank you message or a further discussion. 📧

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.



LEVERAGING FEEDBACK

A primary benefit of participating in LinkedIn Groups as an inventor is the feedback you can receive. How to effectively leverage this feedback:

- **Collect and analyze feedback.** Gather all feedback from group discussions, comments and direct messages. Then, analyze the feedback to identify common themes, suggestions and criticisms.
- **Implement changes.** Use the feedback you receive to make informed changes to your

invention. Prioritize feedback that aligns with your goals and can significantly improve your project. Document changes and improvements made based on the feedback to track progress.

- **Share updates.** Keep the group informed about how you've utilized feedback. Share updates on improvements and developments. Acknowledging the group's contribution fosters a sense of community and encourages ongoing support.



- **Seek continuous feedback.** Innovation is an iterative process, and you should continually seek feedback at different stages of your invention's development. Use LinkedIn Groups as a sounding board throughout your journey.

Avian Calling

NATURALIST'S LOVE OF BIRDS LEADS TO DEVELOPMENT OF AI-ENABLED BIRDSONG IDENTIFICATION TOOL **BY JEREMY LOSAW**

BIRDS PLAY the lead in the symphony of nature, their songs stitching together the audio tapestry of our backyards.

But they are often anonymous in our vast ecosystem. Inventor David Mann created a product that aims to identify them and bring us closer to the avian world outside our windows.

Haikubox is a device that listens to environmental sounds and recognizes the calls of thousands of different bird species. It can be installed on a tree or other structure, with an onboard microphone that listens to the ambient noise and picks out the calls.

The software, trained on a neural network developed at Cornell University, works on the device and in the cloud to identify the bird species in the area and save it to the cloud. Haikubox also allows users to share sound recordings, detailed spectrograms and data directly to its app, enriching the user's understanding of their feathered visitors.

David Mann's invention can be installed on a tree or other structure, with an onboard microphone that listens to the ambient noise and picks out the calls.

Partnership is for the birds

Although Mann watched and was fascinated by birds while growing up in Syracuse, New York, his professional journey began in the depths of marine acoustics.

He was developing sound recognition technologies for ocean research, but the application was only for a small, academic audience. He wanted to build a product that utilized the technology yet had the potential to scale to a wider audience.

That is when he found the avian community. He contacted his colleague, Holger Klinck, director of the K. Lisa Yang Center for Conservation Bioacoustics at the Cornell Lab of Ornithology, and found he was working on processing audio from birds and developing a neural network for recognition.

Mann leveraged the neural network and started building Raspberry Pi-based prototypes of a bird song recognition device. Even though the neural network framework gave the device a boost in intelligence, there was still plenty of work to do to tune it.

"When you are ... trying to detect a thousand different species of birds and then people are sticking these things outside their houses, there's a lot of things that crop up that the (internet) wasn't trained on: doors closing, dishes banging, kids screaming—which sounds like a lot of birds," Mann said.

Eventually, he was able to improve the recognition model and launch the product into the market with the Raspberry Pi in the device.

Haikubox's breakthrough coincided with a global retreat into quarantine (COVID-19) and a well-timed feature from a major media outlet.

Serendipitously, a writer at *Wired* magazine was interested in birds and got wind of the device. After a positive review, sales surged.

But Mann had only 400 Raspberry Pis in stock, and supply chain shortages at the time



“We want to get these out to as many places as possible so that the data is there and that people can see what’s going on.”

—DAVID MANN

meant it would be about 18 months before he could get more.

Not wanting to lose momentum, he made the bold decision to redesign the product. He developed his own custom circuit board and changed the recognition strategy to put more of the computational burden in the cloud. This allowed him to use lower-cost hardware and resolved his supply issues, even though it took 8 months of work to update the design.

Of protection and packaging

Haikubox stands on both sides of the intellectual property line.

Mann licenses the BirdNET software from Cornell, which saved him a lot of development time and brought massive value to his product. So, he understands the power of licensing tech.

On the other hand, he has patents pending for his own innovations inside Haikubox so has insight on building his own IP portfolio.

Mann views developing patents as a part of the journey but acknowledges that direct benefits are difficult to pin down. His customers seek a functional, reliable product and do not care if the product is patented or not. So, he feels that having his own IP has not directly helped his journey thus far.

Haikubox’s manufacturing strategy is in flux.

Mann assembles and packages all the units from his facility in Florida. It is time consuming at the expense of innovating, so he is working to change this.

“I didn’t realize that how fast your screwdriver spins matters. We have people who are highly paid who can do other things who are assembling,” Mann said.

He has engaged a molding company in Massachusetts that has redesigned the housing and eliminated all the screws in the assembly. The molders will also receive the assembled

PCBs and complete the assembly of the device.

Because Mann wants to maintain full control over his codebase, he will do the flashing of the software and quality control testing before shipping to a third-party logistics company for order fulfillment.

Project over profits

It is an exciting time for Haikubox. Mann attended this year’s Consumer Electronics Show, which was great publicity and fruitful for finding PR and marketing partnerships to drive future sales. He is also pushing into some retail outlets, which are mostly boutique brick-and-mortar locations.

Though he is excited to drive more sales, the project was always bigger than profit.

“A lot of it is mission driven. We want to get these out to as many places as possible so that the data is there and that people can see what’s going on,” Mann said.

To that end, there are interesting natural phenomena for which Haikubox can help shine a light. The solar eclipse in April resulted in avian behavior that could be captured by his users. There is also a rare cicada event this summer—when a double brood of these verbose insects emerges simultaneously, and whose calls Haikubox will hear and be the subject of its data collection.

Ironically, the lessons Mann has learned in studying bird songs will be brought back to the marine world. He is looking forward to some new aquatic acoustic projects in the coming year, which will bring the journey full circle. 🐦

Details: haikubox.com

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



Change is in the Air

COMPANY PARTNERS' PLANT AND PLANTER SYSTEM WORKS TO ENHANCE AIR PURITY, OXYGEN PRODUCTION **BY JEREMY LOSAW**

MODIFY A HOUSEPLANT'S genetics to help change the air in our homes for the better.

That's the formula for Lionel Mora and Patrick Torbey. Through the company they cofounded, Neoplants, the two have created what they say is the first and only plant-microbiome system bioengineered to purify the air in your house.

Their initial product is called Neo Px, a genetically modified pothos plant and planter system. The Marble Queen Pothos has been improved to provide enhanced air purification and oxygen production.

Here's how it works: The plants are paired with a specifically blended media that is highly effective at removing VOCs (volatile organic compounds) from the air. The planter, made from environmentally friendly PLA plastic, is tuned to provide

maximum air exchange between the biome of the plant and the room air.

Together, the system is said to have 30 times the air purification power of a normal pothos houseplant.

An enduring conversation

Being in a workplace full of houseplants initiated the idea for Neoplants, which the partners launched in late 2018.

Company CEO Mora had been working in an incubator with Torbey, who has a PhD in genetic engineering. Torbey had the broad idea to create an organism with a function.

Because they were surrounded by plants in the office every day, they started to think they could be a good subject.

"This is an organism that is quite universally loved, and it's quite iconic," said Torbey, the

Patrick Torbey (left) had the broad idea to create an organism with a function. Lionel Mora had been working in an incubator with Torbey.



"We wanted to take a holistic approach to the problem, where we want to tackle indoor air pollution, and we wanted to do this with biology."

—LIONEL MORA

company CTO. “Very instinctively, we had this idea that if it could have a positive impact on its environment and the air we breathe, it would be phenomenal.

“We never went back from that from that first conversation.”

But took a lot of work for the concept to yield the performance they were looking for from the plants. Mora and Torbey started working on the problem from two sides: the plant and its biome.

“We wanted to take a holistic approach to the problem, where we want to tackle indoor air pollution, and we wanted to do this with biology,” Mora said. “It doesn’t matter to us if it’s the microbiome, if it’s fungi, or something else. We wanted to take this sort of general approach to maximize our impact.”

The plants and planter plan

They studied different plants and how they are able to metabolize, create oxygen from carbon dioxide, and take compounds out of the air. They experimented with different plants but ultimately landed on the Marble Queen Pothos because it is beautiful, common in the home environment, and generally has ease of care for the average person.

On the other side of the coin, they explored the plant’s microbiome—the media, fungi, bacteria, and organisms that live together—and found there were gains there, too.

A key part of the system is the planter. It was important to maximize air flow to the plant and its biome to promote air exchange to the plant and back to the environment.

Mora designed a custom planter to facilitate airflow and gave it a beautiful form to live seamlessly in the home. Because their mission is environmental, they also decided to make the planter from biodegradable plastic.

The website includes a test to see how your home ranks on the company’s air quality scale.

Manufacturing challenges

Mora has filed patents for worldwide protection for the current product and for the work going on in the lab. While based in France, he solicited U.S.-based intellectual property counsel to help with the filing.



Although it has been useful to show investors that the technology is protected, he admitted the patent is worth nothing without the data to back up the effectiveness of the technology.

The manufacturing for NeoPx was challenging, with the need to produce plants, the growing media and the planter.

Mora wanted to launch the product in the U.S. market first, so he also wanted to keep the manufacturing there. He felt it would be contrary to the overall mission to bring an eco-friendly product to the market—only to have a ton of fuel burned to ship the product from different corners of the world.

The plants are produced in California, the media and microbiome produced in Florida.

It was a challenge to find a suitable molder for the planter; not many U.S.-based molders have experience working with bioplastics. Fortunately, Mora was able to find a group in the Midwest that was able to do it.

Shipping under way

The Neo Px began shipping in May. Mora is excited to be delivering products to users.

The pre-order marketing work, which also included bringing the product to this year’s Consumer Electronics Show, resulted in a lot of sales. As a result, many devices have to be shipped over the summer.

Mora and the team are busy in the lab, working on innovations that will likely hit the market in 2025. 🍷

Details: neoplants.com

By adding NeoPlants Power Drops once a month, users can replenish their plant-microbiome system to boost air purification performance.

Potty Comfort for Kids

MOM'S INVENTION RESIZES EXISTING TOILET SEAT AND IS A POST-TRAINING DEVICE **BY EDITH G. TOLCHIN**

HERE'S A product I viewed on "Shark Tank's" Season 12 but hadn't gotten around to interviewing its inventor, Judy Blair (Abrahams). I recently caught up with her on LinkedIn, and she filled me in on her progress since the show. It's good news, because she sold the company!

Edith G. Tolchin (EGT): What advantage does Super Potty Trainer have over standard children's potties?

Judy Blair (Abrahams) (JBA): My co-inventor is Curt Blair, the father of my children. I came up with the main idea and designed the first prototype, which I used to potty train our daughter. The original prototype was missing some kind of attachment to avoid movement.

I came up with some solutions, but Curt, an engineer, did all the research on the best material and measurements of all possible silicone pads that best suit the purpose of the invention. I did all the legal research of the art, drawings and designs of the main product; he conducted all the silicone research and design, and measured the small cavities where the silicone pads are inserted.

The research we both conducted took a lot of work, thinking, dedication and consistency. We measured *all* possible and existing toilet seats sold at Lowe's and Home Depot (2012, 2013, 2014).

The advantage of the Super Potty Trainer over any other trainers is that is the only product available that not only adjusts or resizes the existing toilet seat, accommodating children of any size, but is also the only "post-training" product.

When children are potty trained, their bodies are still small to fit a regular elongated toilet seat so they are still, somehow, afraid of the toilet. The SPT offers them a visual safety guard so they will not fall in the toilet.

EGT: What led to your "aha!" moment?

JBA: My "aha!" moment was when my 2 ½-year-old daughter, who was terribly constipated and had rejected all potty-training devices, told me one day in 2012 that if I sat on the toilet first, she would sit, too.

I followed her direction, sat on the toilet, and when she sat in front of me, I noticed that she felt safe so that she wouldn't fall in the toilet. My stomach became her back support, and my arms became her handles.

That day, I knew I was into something big. The same day, I mounted a box on the toilet and tied it up with a scarf around the toilet water tank and continued to potty train her with it.

EGT: Was the process of obtaining a patent difficult?

JBA: Once I conducted the necessary, in-depth legal and market research on the existing art and products, I was confident I was ready to file for a patent. I hired the best patent lawyer in Virginia.

The process to obtain the first utility patent took six years, and the process to obtain the second patent (subdivisional) took three years. I was granted two utility patents. I also applied for and was granted the first trademark in 2015 and the second trademark in 2021.

EGT: Did you create many prototypes? What was your method of testing the product?

JBA: We (ex-husband, co-inventor and I) created four different prototypes, and decided on the latest one as a final product to launch to the market. I tested the market by handing out samples of the latest prototype/product at and to different places and people and sold many at different pools.

EGT: Please tell us about the various products you are now selling on your website. I see you also sell at Walmart.

A request from her 2 ½-year-old daughter was the impetus for Julie Blair (Abrahams') invention.

JBA: I designed multiple potty-training products that are all covered under the claims of the patents. I only launched the Super Potty Trainer to the market, but I was always working on the subdivisional patent to develop products from it (similar to a Lego kind of system).

After testing the market (pools, parking lots, a few day cares), I started selling Super Potty Trainers on the first website I created with no experience, then launched an Amazon seller page with no experience and continued selling through those channels. The Super Potty Trainer was manufactured in different colors (purple, white, blue and pink). The signature color of the Super Potty Trainer is white.

The Super Potty Trainer was recently acquired by a well-established manufacturer and distributor with more than 70 years' experience in the juvenile and home sectors. They carry an elite portfolio of licensed global brands, especially in the juvenile sector. They sell to all major retailers in various channels of brick, mortar and eCommerce retail.

As an inventor and founder, having found this company was the best thing that happened to me in 2015 when I launched the Super Potty Trainer at the ABC Kids Show in Las Vegas. Once I decided in 2022 that it was time to move to another level, there was no doubt in my mind that this company was the right place for the Super Potty Trainer, and I couldn't be happier.

EGT: Have you ever thought of including (for example) a matching "splash guard," and perhaps a stepstool to make it easy for little ones to step up independently?

JBA: Yes, I drew multiple designs and possibilities, including a possible "splash guard" that would attach directly to the toilet.

The stepstool I designed is in the works to be filed for a patent. It's something new, never done before, but it's not attached or connected to the Super Potty Trainer.



Blair's ex-husband and co-inventor did all the engineering-related research; she did all the legal research.

EGT: Are you CPSIA (Consumer Product Safety Improvement Act) testing? Do you test every production batch?

JBA: The new owner conducted and obtained all kinds of testing and certifications.

EGT: You were on "Shark Tank" during Season 12, and I understand you landed a deal. Please tell us with which "Shark," and what was the deal?

JBA: On the show, we partnered with Daymond John and Lori Grenier. However, after the show, we only partnered with Daymond. Unfortunately, for confidentiality reasons, I can't disclose the terms of our deal.

EGT: Any advice for novice inventors?

JBA: If you see it differently, don't ignore it. Move forward with the proper research and process and trust your gut!

Once you have decided to start a business out of your invention, make sure you have a solid "Operating Agreement" (where the inventor would protect the future of the invention and the efforts of the inventor).

Never give up more than 10 percent of your invention's rights or company's equity.

Ensure that the equity given to a new partner matches the partner's efforts and investment. I feel blessed to have had the business partners I had during my journey with the Super Potty Trainer. ☺

Details: superpottytrainer.com

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



Pretty Resilient

CARA BRZEZICKI HAS CREATED TO HELP PEOPLE ALL HER LIFE, AND NOTHING'S GOING TO STOP HER NOW **BY REID CREAGER**

CARA BRZEZICKI was at a Colorado state park when she just up and disappeared.

Worried viewers of the HSN show “What a Great Idea,” where she had been ready to pitch her Flusher Blocker, called to ask what happened. They didn’t know her phone battery had died.

More important, they didn’t know it would take much more than a little technical setback to prevent her from returning.

The Littleton, Colorado wife, mother of two, inventor, children’s author and life coach has a long history of overcoming challenges and doubters. Like many inventors, she has danced with rejection; unlike many inventors, she doesn’t embrace it as motivation. It holds her in a way that makes her sad.

She has cried when getting negative feedback, especially when it crosses a line. But over time, she has learned to tune out jealous and spiteful voices and listen to a nagging voice.

Hers.

Especially with the Flusher Blocker, Brzezicki told *Inventors Digest* she has had “that nagging voice, that you’re supposed to do this. So, I did. And listening to myself has been my biggest asset, without being boastful.”

Foiled at age 10

Constantly on the go, she has three main inventions designed to stop things from happening.

The Flusher Blocker is a vinyl, reusable, washable decal placed over a public toilet sensor that stops automatic flushing. The Sippie Clippie prevents toddlers from using their sippy cups as aerial weapons of mess destruction. The Coffee Stopper™ is a reusable, patent-pending device to stop coffee from splashing while keeping it hot.

The naysayers began with her first invention, decades ago.

“You ever watch ‘Shark Tank’? I just watched one of the latest episodes where this lady created these charms that stick in your hair.

“I created that when I was 10 years old. They were made out of Velcro so that they wouldn’t ruin your hair. ... And I was like, ‘Oh, it’s pretty,’ and I gave them to my friends because I was so proud.

“Well, I had an adult family member who said they were stupid. It crushed me. So, I quit.”

Four or five years ago, she sold a few on Etsy. She never pursued a patent, figuring they would not catch on—although later she created some more for herself to wear at a wedding and elicited a lot of compliments.

Cara Brzezicki’s three main inventions are (clockwise from bottom right) the Flusher Blocker, a reusable decal placed over a public toilet sensor to stop automatic flushing; The Coffee Stopper™, a reusable, patent-pending device to stop coffee from splashing while keeping it hot; and the Sippie Clippie, which prevents toddlers from throwing their sippy cups all over the room. She is also a prolific author, mainly of children’s books.



Tired of her infant son throwing his sippy cup all over the room, Brzezicki joked with her husband about going to the store to buy a clamp and a cord. Then she did it.

Vindication? No—revenge is not a part of her spirit, or productively moving forward: “Honestly, I’d forgotten all about them until I invented the Sippie Clippie,” when the next doubting Thomases and Thomasinas emerged at the last minute. “I remembered them after the fact.”



Pitching, and a fit

Although trusting herself has been a key to her personal and professional growth, knowing herself has been even more important. And Brzezicki knows she is a creative person.

She realizes that marketing is a part of her professional process, but she would rather create. A large book of invention ideas sits in the house, poised to be revealed to a waiting world.

There have been detours to this creativity, which she prefers to see not as mistakes but as confirmation of her true self.

She changed majors three times at Colorado State University, going from pre-med to construction management and ending with a Bachelor of Arts in social science. She worked as a Realtor after college but didn’t like the “feast-or-famine” life. Tried the corporate route and enjoyed it, but it was not her true calling.

Her life changed forever, in more ways than one, when she had her first son, Camden: She could not stand to be away from him. Now at home full time, she was free to return to her creative roots.

Her firstborn goosed the process with a habit that drove her crazy.

“Listening to myself has been my biggest asset, without being boastful.”

He kept throwing his sippy cup all over the room during meals. He loved it. Mom did not.

“It drove me insane, and everything on the market didn’t work,” she said. “I joked with my husband one night and said I just want a big clamp with a cord. And he laughed.”

But she wasn’t kidding. “The next day, I said, ‘I’m going to go create this thing. I hate this sippy cup throwing game.’ So I went to Home Depot and bought this big industrial clamp. I drilled a hole in it. I put a cord in it right at the bottom.”

From then on, all kiddie pitches resulted in a cup left harmlessly dangling on a cord above the floor. The final version required a lot more tweaking and engineering—Brzezicki still marvels at how much—but as a person who loves to learn, the whole process filled a need in her that she had abandoned since childhood.

Part of that process was writing the patent application—herself—with a patent examiner helping her write a claim. She found an engineer to make the prototype.

Just before she was to sign the licensing agreement in early 2020, the licensee backed out. She never got a straight answer but theorizes COVID-19 may have been a factor.



Devastating critique

Brzezicki invented the Flusher Blocker while pursuing the licensing deal.

Again, one of her sons was inspiration: He has sensory needs and is scared whenever he is startled by a public toilet that flushes suddenly.

"It would go off right when he walked up to it," she said, and was particularly annoying—and unsanitary—if he was on the toilet at the time. "It's disgusting."

So she would have to block the sensor from "ghost flushing" with one hand while trying to arrange her boy comfortably with the other. Her ghost-busting solution not only prevents that logistical and sanitary problem, it saves water.

During those early days of COVID, Brzezicki pitched the product to a former executive at a home shopping network during a Zoom meeting.

CARA BRZEZICKI

BORN: Pueblo, Colorado

HOME: Littleton, Colorado

FAMILY: Husband Corey; kids Camden, 12, Carson, 10, and Corynn, angel baby

COLLEGE: Colorado State University, B.A., Social Science

HOBBIES: Hiking, paddle boarding, dancing, taking my little June-bug for a walk (dog), skiing in the winter

FAVORITE INVENTING BOOKS:

"The Seven Spiritual Laws of Success," by Deepak Chopra, because it all starts with mindset. Also:

"One Simple Idea," by Stephen Key

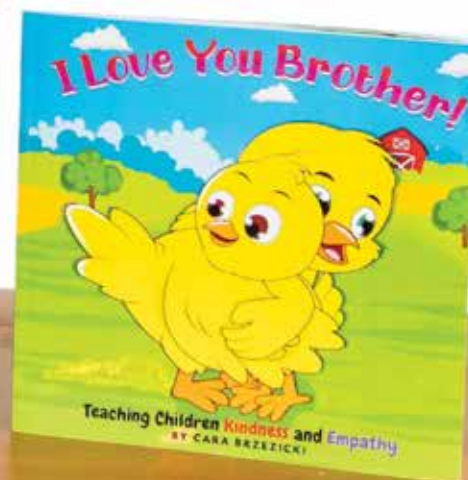
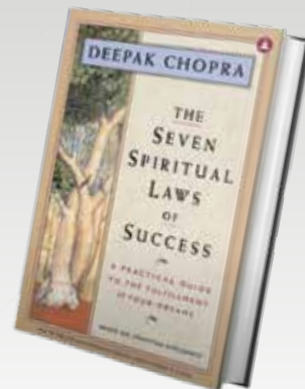
MOST INSPIRATIONAL PERSON:

Sara Blakely (right)

FAVORITE SONG: "The Dance," by Garth Brooks

FAVORITE QUOTE: "Be yourself; everyone else is already taken."—Oscar Wilde

FAVORITE MOVIE: "Ferdinand"





"She said it was the most stupid invention she had ever seen."

—A PRODUCT DEVELOPMENT EXECUTIVE'S CRITIQUE OF THE FLUSHER BLOCKER

"She said it was the most stupid invention she had ever seen."

Though fully aware that rejection is part of the inventing process, the level of it devastated her to the degree that it still showed in her eyes during this interview.

The heavy criticism ultimately had a deeper impact on the invention when Brzezicki—also troubled by lagging sales that have since recovered—did not follow through on her provisional patent application when the one-year period ended. She did not pursue the actual patent. "I had it patent pending and I let the patent go because I was like, 'I'm done. This is a stupid idea.'"

But when people kept asking her why she stopped pursuing what seemed to be a useful invention, "I decided she's wrong. I'm supposed to do this."

Now she has a determined resolve that "If people do tell me that something is dumb or whatever, it honestly doesn't bother me anymore. It's more like they are just not my ideal client."

She tells the story because she wants to help others remember to trust their own instincts—that the only thing you can lose is your ego.

So long, splash sticks

Brzezicki has always been attracted to reusable and eco-friendly inventions like her Flusher Blocker. That's a hallmark of her Coffee Stopper, a replacement for the plastic splash sticks that end up in landfills or littering streets.

"I was always super annoyed that every time I went to get my favorite drink—an extra-hot chai tea latte—they would always insert a splash stick. If you took it out at the coffee shop, they would not take it back because it was used. I never felt right about throwing them away because I knew that they would end up in the landfill and become microplastics.

"So, I decided to keep them in my car. I thought I would upcycle them, but I never could figure out a use for them so I ended up throwing them away.

"I had this idea of a plug that would sit in your cup. I wanted it to be cute and to not be plastic."

Successful inventors are often keen researchers, from prior art to market trends. Brzezicki investigated all the flaws of splash sticks to leverage her idea, as well as research the best materials for her product.

"The traditional splash stick is made of polystyrene, which is made from petroleum. That sticks sits in your hot liquid and permeates into it—yuck! I made sure that The Coffee Stopper was more of a plug without a stick to prevent it from sitting in liquid."

As for her planned product, her research showed food-grade silicone to be the best option. "I had a prototype and took it out, and people loved it! My friend asked me where I got it one day and I told her it was mine. She begged me to create them for everyone, so I did."

Her current design is a leaf shape in Recycling Green, Ocean Blue and Sunflower Yellow. She's working on more designs, as well as a product that will also work for cold drinks.

Everything's a story

A spiritual person whose gratitude begins with God, her parents and her husband, Brzezicki believes that even when she or an aspect of her process fails, it happens for a reason.

This extends to much of everything that happens in her life—that everything is a story or has the potential to become another story. She believes these ideas are given to her and that they are her destiny.

"In my brain, I make stories out of everything," she says, and many stories have problems and possible solutions. "It's the same for inventing. It's always solutions based.

"There's always a solution," said the self-proclaimed "serial figure-outer." "If something's

not working, then there's a better way to do it."

This and her innate creativity fuel the writer within. She has written 15 books, the large majority of them for children, and published six; the expense of printing books and paying an illustrator require her to wait for sales before investing in more.

Her first book, "Jazzie Saves the Planet," holds a special place in her heart. Currently, most popular among her titles is "I Love You Brother," a story about "the love that they shared, and empathy and compassion."

But if you think the business world of children's books might be a little more genteel than others, think again. Brzezicki said "Anything Is Possible Little Elephant," a book about the right to self-esteem, got a negative review "because it involves lacrosse."

The author summarized the elephant's story as though she personally witnessed it: "The elephant is a sensitive young boy who is good at lacrosse but not grades. He's smaller than the other elephants, and he's not quite as good.

"He gets made fun of but realizes ... that he himself is enough, that he can dream and believe that he's doing well.

"The review hurt my feelings. I'm not gonna lie. But—the reviewer misspelled the word 'lacrosse.'"

A seasoned, more confident Cara Brzezicki laughed it off.

A larger purpose

Her personal and professional growth have taught her that sensitive and strong can coexist, even thrive. She credits her husband and her therapist, Kate Taylor, for helping build her confidence to the point where she feels good about helping others.

Last June, after Taylor's initial recommendation, she became a certified mindset & intuitive coach. "I have always been pretty intuitive, and I love other people," she said.

"My role is to listen to you and help you. What you have to do, you do on your own, right? Because if you

don't do that journey, you're never going to receive what you're supposed to receive out of it."

Initially, this work was geared toward helping stay-at-home moms transitioning into the entrepreneurial world. Now it's more women in general.

"It's more consulting now," she said. "I just love helping, even if it's for free. I know how to help you get going.

"Most people only care about money, and I believe money is amazing. It's such a great tool to have. But it's not the end all.

"Be all of somebody's story or somebody's life. Because in the end, we can't take it with us where we go, and so just the human connection and caring and wanting to know somebody's story means so much." 📌

Details: JazzieBeans.com; FlusherBlocker.com; TheCoffeeStopper.com

Ever grateful for the people who have helped her as a person and professional, Brzezicki is now helping others in a consulting capacity.



We Need Tailored Patents

PATENT DURABILITY WOULD FIX THE ONE-SIZE-FITS-ALL SYSTEM FOR INSURING INVENTORS **BY JOHN POWERS**

LAST JUNE, a couple pieces of legislation were proposed to reform aspects of the U.S. patent system. The Patent Eligibility Restoration Act and the Promoting and Respecting Economically Vital American Innovation Leadership Act, introduced by Sens. Thom Tillis (R-N.C.) and Chris Coons (D-Delaware), seek to clarify what may be patented and to ensure patents are treated the same during litigation.

Although these proposals are a great start, they do not solve the inherent problem with patent law: The current system is a very expensive, one-size-fits-all solution for all inventors, no matter the circumstances.

This fixed bundled rights approach cannot properly work for everyone. Inventions are too different from each other to make this practical in the long term.

In the medical field, for example, each individual case calls for a specific dosage, and a mix of other treatments and medications.



Consider the medical field. Doctors prescribe medications that are tailored to treat specific conditions, based on the way the conditions manifest in particular patients. Chemotherapy drugs may be a part of the treatment plan for most cancer patients, but each individual case calls for a specific dosage, and a mix of other treatments and medications.

Unfortunately, the individualized care model practiced in medicine, and many other fields, is far from reality for inventors who hope to protect their intellectual property through the U.S. patent system.

Under current law, the system prescribes the same solution to protect everyone: Patents with identical rights insure all inventions (i.e., the same medicine to treat all conditions), no matter the significance or market disruptiveness (or the severity of symptoms) of the invention.

This is a big problem for inventors.

Securing identical rights to inventors prevents their businesses from recovering just compensation from users of their inventions, in the same way that administering the same medicine or treatment to all patients would be detrimental to the healing of each individual patient.

Overpaying for protection

Under the current system, inventors often overpay for unnecessary patent rights.

Although the system allows inventors to sue large numbers of defendants with large numbers of patent claims for \$500 million each time, in many cases that level of protection is overkill.

Many times, inventors know they will never need this level of protection. They often know, before ever filing a patent application, that their invention will have a less significant effect on the market and that they will only ever need the right to send a few cease-and-desist letters and sue for \$10 million.

Forecasts not considered

On the flip side, the system prohibits many inventors from procuring the rights they actually need.

Perhaps certain inventors need the right to require future defendants to pay more to litigate before the patent office. Believe it or not, sometimes they know in advance that their inventions will be disrupters.

However, the U.S. patent system also does not account for this forecast. It figuratively prohibits chemotherapy from being prescribed to treat cancer.

Solution: Patent durability

The solution is straightforward: Inventors need a patent system that allows them to bargain for the patent protection they actually need to protect their particular inventions.

Patent durability proposes U.S. patent system reform that would better serve the needs of all inventors by allowing them to set a strength of each right in their patent upon filing—and in exchange, automatically be provided with a schedule of costs owed to the patent office via an actuarial process. Patent durability (overall strength of a patent) and all associated costs would be tailored, not fixed.

Strategically enacting the reform into law would provide inventors with truer declarations of ownership from the patent office.

Yes, there would be more patents. However, each one would be procured and enforced with far fewer back-and-forth communications, thereby allowing inventors to recover just compensation more easily from users of their inventions.

Are you an inventor?

Have you considered insuring against theft with patents?

Perhaps it's time to start asking Congress why there is only one bundle of rights to insure all inventions. ☎

John P. Powers, founder of The Powers IP Law Firm, has drafted about 400 patent applications and registered nearly 100 works with the U.S. Copyright Office. *This essay is not intended to be legal advice. Text copyright © John P. Powers, 2024, all rights reserved.*



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Market Research, Or Marketing Research?

KNOWING THE DIFFERENCE IS CRUCIAL FOR IDENTIFYING YOUR MARKET AND ACTING ON IT **BY WILLIAM SEIDEL**

The following is an excerpt from Seidel's presentation during the USPTO series "Successful Inventing: What Inventors Need to Know," on May 29. See uspto.gov/about-us/events/successful-inventing-for-future-programs.

WHY DO YOU NEED RESEARCH?

The point of research is to prevent mistakes and there is one common denominator of failure: bad decisions. You cannot make the right decision with the wrong information.

Research provides usable customer data to determine market size, product price, channels of distribution and much more. Another point is to find market gaps, which are viable business opportunities.

Yet another point is to determine product-market fit—also known as customer acceptance. Without product/market fit, there is no business, no product and no value.

With product/market fit, there are reorders, predictable sales—which means the product is proven. And everyone wants a proven product.

First-stage searching

To sell something people want, you must create something people want before they know they want it.

To do this, you need accurate research. Then, use the research to design products customers want to buy.

What kind of research?

Most people start with a casual search.

Every day, I hear: "There's nothing like it. It's not in any stores. My friends like it!"

Searching the internet, visiting store shelves and asking friends is a start. This is secondary market research—which, if done right, may be usable. If done wrong, it is unusable for decisions because it is usually deficient and incomplete.

You need information on which you can act. Not opinions.

A commercial search finds whether your product is currently available, previously available or available in other countries. This is conducted by a marketing research firm to find competitors, similar products, prices and potential markets.

Use patent and trademark searches to see if a patent is available and whether you can avoid existing patents and trademarks.

What market research does

Everything starts with the market, which is all the buyers and sellers in the area or region (the marketplace).

Research can answer these questions with certainty:

- Who is your target customer (the market)? These people may be professionals, construction workers or stay-at-home moms.
- What do you say to them (the message)? What do they need to hear to buy your product?
- How do you reach them (the media)? Do they read *The Smithsonian*, watch QVC, or shop online?

Search market research profiles of the target customer with demographic data (race/ethnicity, age, education level), household data (income, household size, children) and behavioral data (shopping habits, hobbies, political views).

Market research is a subset of marketing research. It feeds marketing, delving deep into the needs, wants, spending habits and even what magazines people read.

Market research captures useful customer information. Basically, it's the who, what, when and where of customer information.

It is also the study of the marketplace—market conditions, seasonality, trends, competition



Market research has a limited scope, studying only market and consumer behavior. Marketing research has a wide scope, studying the entire marketing process as well as the market itself.

and much more. It compares the competition's strengths and weaknesses and hopefully identifies a market gap.

Bottom line: Market research reduces risks, identifies customer preferences and finds viable business opportunities.

What marketing research does

Marketing research, on the other hand, provides the information to make informed decisions about the best marketing methods to use.

It is the data used to develop the strategy and plan to reach and influence customers to improve performance and profits.

Marketing research includes all product marketing activities, as the marketplace is constantly changing and the research never stops.

It is the "how" to reach customers and why they buy.

It provides data to determine the best media to use to reach the target market, and the best message to influence their purchase decision.

It covers all areas—including the concept, development, placement of a product or service, its growing audience and its branding.

Marketing is the science of understanding customer needs and data, and knowing how to

use it. Marketing is also the art of persuasion—changing people's minds by making the truth fascinating and irrefutable.

Key differences

Market research has a limited scope, studying only market and consumer behavior. Marketing research has a wide scope, studying the entire marketing process as well as the market itself.

Market research is specific to a particular market and cannot be applied to other markets. Marketing research is general and can be used for solving various marketing problems and issues.

Market research is dependent on the requirements and directions from marketing research. Marketing research is independent and developed by the marketing and business decision makers.

The reason marketing is core to any business is, "Marketing knows what customers want!" Hence, don't argue with the customer.

The purpose of market research is to provide statistically significant data that can feed marketing and help management make informed business decisions. This helps understand the potential markets preferences, opinions and behaviors for a specific product. And it will help determine the potential for customer acceptance.



The purpose of marketing research is to gain insights into the best methods (over 200 marketing methods) and make informed decisions to stay competitive and to manage risk for all marketing activities.

It's about the effectiveness of reaching and influencing potential customers, using the media mix, the set of actions, strategies and tactics a company uses to commercialize the product and increase the value.

The new-product challenge

The giant problem for inventors is that most companies prefer small improvements to existing products. When it is a new product or an innovative product, there are no customers, no competition, no shelf space and no understanding of the value of the product.

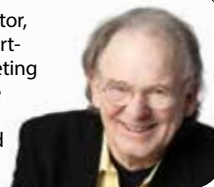
So, finding information for a new product is hard and expensive because if it is new, there is nothing to compare.

If it is a new or innovative product, it requires primary market research—firsthand, targeted customer response to a new product.

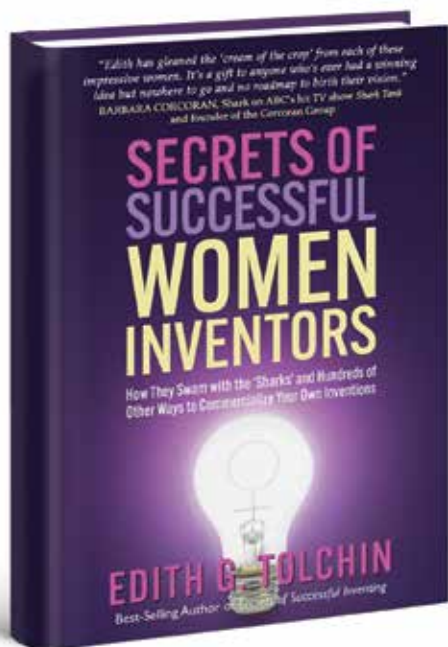
A new product or innovative product is high risk, much more expensive to develop from scratch, unproven—and a financial return is unknown. So, determining if it is a viable business opportunity is extremely hard. And investors invest in viable business opportunities, not products!

So, you must do your research to direct product development—to create something people want before they know they want it. ☞

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



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Edith G. Tolchin
(photo by Amy Goldstein Photography)

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Shopping Channels? Don't Laugh

CORNY AND PREDICTABLE PRESENTATIONS WORK
—SO AS MILLIONS PAY, PAY ATTENTION **BY JEREMY LOSAW**

I HAVE ONLY purchased one thing from home shopping.

I felt a little dirty.

About 10 years ago, around the holidays, I was sucked into a demonstration for a toy called Twister Tracks. It was a set of battery-powered cars that drove around a serpentine track that you could custom build and twist around in different shapes.

The tracks came in rainbow colors and glowed in the dark. I was mesmerized. I had to get it for my kids.

I thought I would be cheeky and just order the same thing from a different retailer to avoid feeling weird about being sucked into home shopping. However, it was only available at the time on QVC, so ordered it.

It was an incredibly fun toy. My kids and I played with it a lot over the years and eventually, the value outweighed any guilt I harbored.

Home shopping is the ultimate guilty pleasure. You sit on your couch while an endless array of products parade in front of you and with just a phone call can land on your doorstep. It is like being a monarch whose subjects parade their wares in front of you to be judged worthy of your attention.

It is so easy to get sucked into the presentations. I often find myself drawn to pause on HSN or QVC while browsing the channels. I often play a game with my partner or kids where we try to guess the absurd color names for whatever product is on the block.

Although it is easy to laugh away, home shopping and the way products are presented is the ultimate physical product showcase. You can learn plenty about how to sell consumer products.

Some key takeaways from home shopping that can be applied to development programs:

Marketing to women

It may seem obvious, but home shopping's main demographic is middle-aged females.

While so much marketing is directed toward young males who are loose with their wallets, it is interesting to have a whole platform that is so focused on women consumers. It is difficult to find very specific demographic information, but an article from a few years ago stated that the primary customers for QVC are women between ages 35 and 64 with a higher than average median income.

So, one can learn a lot about what product features and marketing techniques resonate with women.

Naturally, most of the presenters on home shopping channels are female. They try to reach their audience in a relational way.

You will hear phrases like, "Your friends will all love it." "This will be great when you are out with the girls." "This is perfect for going out to dinner."

Of course, the product must have some utility, but it is important for the typical woman buyer that it fits into the social tapestry of her life. Even when selling a piece of tech or something that is marketed toward being a gift for the "man in your life," the product's utility comes second to how good it will feel to give a thoughtful gift.

Colors are a big subject. Nearly every product sold on home shopping has many color variations, often with absurd names. Even tech products have an array of variants, if only in accent colors.

This shows how important it is for women that a product fits aesthetically into their environment. So it behooves designers to have areas of the product that can be easily customized to different colors.

The pitch

A defining characteristic of home shopping is how over the top the presenters can be. It is cliché to the point that Kristen Wiig and Cecily Strong played out the personas perfectly in their “Saturday Night Live” skit about two women battling to be the next QVC guest host (Season 42, Episode 7).

But as much as we may default to making fun of this persona and doing bad impersonations of them, the pitches work. The hosts are engaging, there is a warmth to their voices, and the cadence of their speech is calm and convincing.

They speak to the audience as if you were their friend or neighbor, which disarms skepticism and builds trust with the audience—to the point where viewers call and drop their credit card number.

Watch and listen to their product pitches. Hear what they focus on and how they engage. Then take the product you are working on, and try to see if you can present it like you would if you were on home shopping. See if you can tease the details out of your product and find

the real value proposition that may be hidden in your invention.

Psychology of scarcity

One of the tools used relentlessly on home shopping networks is the psychology of scarcity. The first thing you see when you land on a shopping channel is the price and the number or a color representing how many of an item (or a variation of the item) are left.

Presenters weave this into their pitches—which ones are about to sell out, or that a certain item will not be available again for months. This is meant to whip us into a buying frenzy, even though most everything sold on home shopping is mass produced and not in limited production in any real way.

As product designers, we can use the scarcity factor to our advantage. We can carve out opportunities to create limited-edition colors or variations where we can sell the same product at a premium price.

For example, maybe there is a panel on the device that can be swapped out for different colors that can be changed for seasonal variations.

Also consider opportunities or marketplaces to create scarcity via early bird pricing for a crowdfunding campaign or special pricing tied to a holiday—one of many ways to coax more sales. ☞

Inventors and product designers can learn from home shopping’s focus on relatability, tone, and creating an aura of scarcity.



Think Like a Licensee

UNDERSTAND AND LEVERAGE THESE 4 MAIN DEAL-MAKING FACTORS FOR YOUR POTENTIAL PARTNERS **DON DEBELAK**

YOU WILL have more success licensing your product if you understand the factors companies consider when deciding whether to license your product:

- If customers want the product, and the product has a big “wow” factor.
- How well the invention fits into the company’s product line.
- Margins (how much money will the company make on each product sold).
- Impact on the company’s bottom line.

Wow factor: The first criteria is where inventors live. They typically have all the reasons their product delivers what the customers want. I won’t dwell on this topic, because inventors should know exactly why their products will sell.

Fit for the company’s bottom line:

A company could be missing a product in its line, it might have a weak product that is hurting overall sales, or the market might be shifting away from the technology and the company needs to adjust its products.

Product lines are an enormous consideration for companies. They have customers for their product line, distribution for

their product line, and know what marketing tactics to use for their product line.

Companies are resistant to taking on products outside their product line area, because suddenly they will need a different strategic approach for the new product and won’t be comfortable taking on the product.

Margins: This describes a percentage of the cost to make a product, divided by the revenue the company receives, times 100 percent.

If a product costs \$5 to make, and revenue the company realizes is \$10, then \$5 divided by \$10 equals 0.50—which, multiplied by 100 percent, comes to a margin of 50 percent.

Companies always want a margin of at least 50 percent. The revenue the company receives is rarely the retail price. Discounts to retailers, sales outlets, co-op advertising programs and many other possible discounts all cut into the revenue companies receive.


You need to have a good grasp of the percentage of the retail price the company receives to address this issue. This is one reason I recommend an inventor have contact with industry insiders. (See “Finding Insiders to Help” at onestopinventionshop.net.)

Show the company you are presenting to that you realize the importance of margins. There are two big considerations: the price customers will pay, and the cost of manufacturing the product.

I’ve talked in previous posts about using focus groups to determine market pricing, also at my website.

But what about the cost of manufacturing?

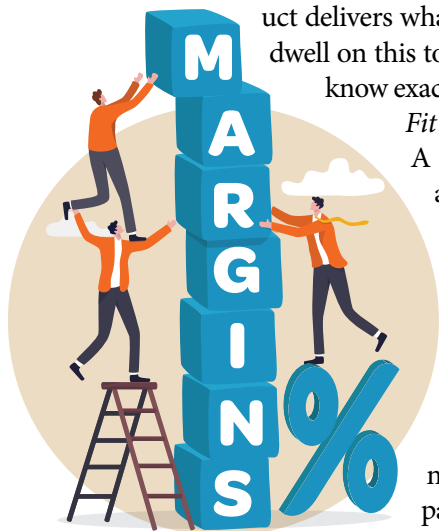
Tell the manufacturer you are presenting your product to a major industry player for licensing and want to show that player a quote for 10,000 units to demonstrate the product will have a strong margin. I would also mention what the projected retail price will be.

Impact on bottom line: For the most part, companies are not interested in doing all the work required for introducing a new product unless it adds a minimum of 10 percent to 15 percent to their overall sales. The way you can show your potential impact most effectively is by highlighting sales numbers of products already in the market, by checking trade magazines, public companies’ sales numbers, or interviewing companies in the distribution channels about sales in that market category. 

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



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And the Winner Is...

LATEST AWARDS IN INFRINGEMENT CASES ARE GOOD NEWS FOR SOME COMPANIES, AND FOR PATENT VALUATIONS

BY LOUIS CARBONNEAU

AS OUR readers know, one of Tangible IP's criteria for assessing the health of the patent market is tied to large verdict awards that tend to make headlines and grab attention in the boardrooms. The past couple months provided its share of those, which should help long term in maintaining—if not increasing—patent valuations.

In the semiconductor space, Netlist scored a massive \$445 million win against Micron Technology for willfully infringing memory module patents. This follows Netlist previously securing over \$300 million from Samsung for violating its AI computing memory patents.

These awards validate the IP of Netlist—a smaller player—and provide a lucrative revenue stream.

The pharmaceutical industry also has patent disputes, with Pfizer winning \$107.5 million after an AstraZeneca cancer drug infringed patents covering methods used in Pfizer's treatment Nerlynx. Although the award was smaller than in the tech cases, any violation can severely affect drugmakers' costly research investments.

In the tech world, Microsoft was stunned by a \$242 million verdict for infringing a voice assistant patent now owned by Wi-LAN's subsidiary after acquiring it from the company Apple bought to create Siri. And video game titan Activision Blizzard also faces a \$23.4 million judgment for violating broadcasting patents in titles such as World of Warcraft.

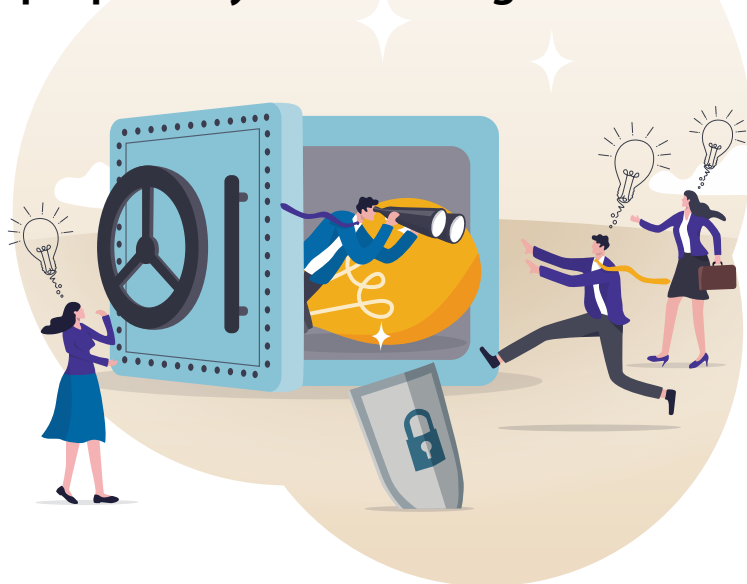
The defendants have denied wrongdoing and can pursue appeals, but they potentially owe massive payouts.

Plaintiffs often view litigation as a vital revenue source for their patents. Although critics argue patents stifle innovation, these rulings show businesses must fiercely protect proprietary breakthroughs.

In sectors where the next big idea is worth billions, guarding IP is as crucial as developing it. The heated courtroom clashes over intellectual property seem poised to intensify.

On a related note, after reaching settlements with Apple, Broadcom, Microsoft and Samsung, the California Institute of Technology finally ended its campaign by entering into a settlement with Dell. No financial information has been disclosed so far. ☛

Although critics argue patents stifle innovation, these rulings show businesses must fiercely protect proprietary breakthroughs.



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



Key Design Patents Ruling

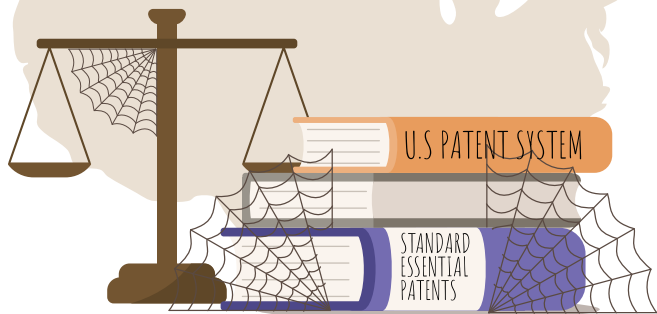
In a recent decision (*LKQ Corp. v. GM Global Tech. Operations LLC*), the federal circuit's decision replaced the rigid Rosen-Durling test for assessing design patent obviousness with a more flexible standard. (Editor's note: The test requires that first, courts identify a prior art reference "the design characteristics of which are basically the same as the claimed design." The other step is to determine whether the claimed design would have been obvious to a designer of ordinary skill in the art, in view of the first provision.)

This change may lead to more challenges against design patents, questioning their validity and potentially benefiting competitors.

However, it also risks weakening the protection design patents offer to brands. The new approach aligns with the Supreme Court's test for utility patents and will evolve through future cases.



Goodbye, U.S. Courts?



I have discussed on numerous occasions how the weakening of the U.S. patent system has gradually moved the epicenter of global patent battles to other, more predictable, jurisdictions. Although we are now accustomed to seeing these lawsuits filed in Germany or with the Unified Patent Court directly, other countries are emerging as strategic bases for asserting patents.

The latest example of this phenomenon was on clear display when Sun Patent Trust sued Chinese manufacturer Xiaomi in France and India to seek proper remedy of the alleged infringement of some of its Standard Essential Patents (SEP).

This would have been impossible to fathom just a few years ago, but here we are. You can't kill a court system by a thousand cuts and expect people to keep using it.

What Excessive Litigation?

A recent U.S. study established that, contrary to claims of excessive patent litigation, patent cases are declining and patent owners struggle to enforce rights against infringers.

Key findings: Overall patent suits are down, injunctions granted are very low—averaging just seven per year recently—and litigation by non-practicing entities is not pervasive at only 23 percent of remedies awarded.

The real issue highlighted is the inability of patent owners to effectively stop infringement due to challenges obtaining injunctions and enhanced damages, incentivizing "predatory infringement."

PATENTLY ... FUNNY?

Here's a joke I recently heard at a patent-related conference:

Why did the patent application have to go into therapy?
Because it was always afraid of being rejected.

If you have a better one, please send it to tangibleip.biz/contact-us. I'll publish the best one next time with full attribution (unless the author wants to remain anonymous).





Major Publishers **Sue Google**

SEARCH ENGINE ACCUSED OF AIDING INFRINGEMENT
BY PROMOTING PIRATE SITES, IGNORING COMPLAINTS

BY EILEEN MCDERMOTT

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

SEVERAL MAJOR educational publishing companies—including Macmillan, Elsevier and McGraw Hill—sued Google in the U.S. District Court for the Southern District of New York, alleging contributory and vicarious copyright infringement, trademark infringement and violations of New York’s General Business Law.

In the action filed June 5, the companies claim Google’s search engine is facilitating infringement by promoting pirate sites that sell heavily discounted versions of educational textbooks.

According to the complaint, the publishers have been sending Google notices of infringement for years, but Google’s response has been “a circus of failures.” Rather than removing the ads for the infringing works, Google “has continued to do business with known pirates,” said the complaint, and “even threatened to stop reviewing all of the Publishers’ notices for up to six months simply because the Publishers

appropriately re-submitted notices for infringing works that Google previously failed to act upon.”

Google has not publicly responded to the claims.

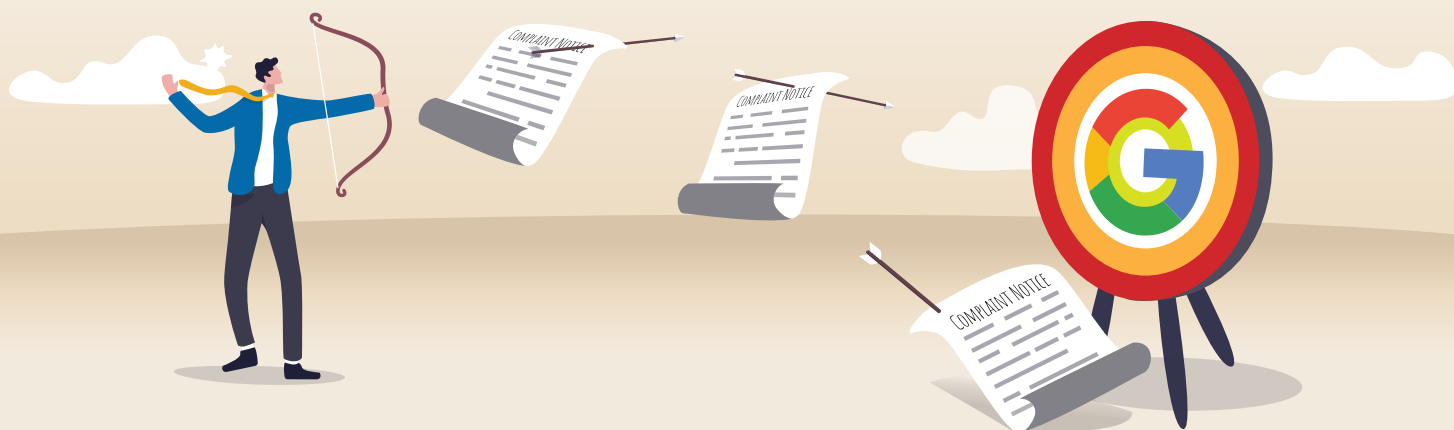
The complaint included several examples of searches that resulted in ads for infringing works, such as McGraw Hill’s textbook “Anatomy and Physiology: The Unity of Form and Function.” A Google search for the book turned up paid ads that were almost entirely ads for infringing copies of the book.

The alleged pirate sellers include companies with names such as “madebook,” “LivyLuxe,” “Athena Line Store,” “Biz Ninjas,” “Cheapbok” and “Nardab,” “all of which have been included in the publishers’ notices of infringement to Google,” said the complaint.

Hypocritical IP promoters?

The companies further accused Google of being hypocritical in its purportedly pro-IP stance, including via various statements that claim it promptly blocks content from appearing when

The complaint claims the publishers have been sending Google notices since June 2021, leading to numbers in the hundreds.



it is found to be in violation of copyright and that it verifies advertiser identities.

“By claiming to subject ads to a review for infringing material, lending its seeming seal of approval to the ads, Google makes its users even more likely to purchase the infringing works they find through Google,” the complaint said.

Google also restricts ads for legitimate e-books, thus making the textbook market “upside down,” the complaint said. The search engine’s practices are said to also harm consumers, who are often buying inferior products with lower resolution, that are incompatible with certain devices and contain non-working links.

The complaint claims the publishers have been sending Google notices since June 2021, leading to numbers in the hundreds, and that they have been “directed to the agent Google has designated to receive infringement notices.” But in three examples, the publishers sent:

“44 separate notices over a 14-month period identifying a Pirate Site at matchlistcity.shop (and at least 174 unique Infringing Shopping Ads promoting that seller’s Infringing Works and linking to the Pirate Site);

“57 separate notices over a 15-month period identifying a Pirate Site at nardab.com (and at least 485 unique Infringing Shopping Ads promoting that seller’s Infringing Works and linking to the Pirate Site); and

“At least 56 separate notices over an 15-month period identifying a Pirate Site at testbank23.com (and at least 2596 unique Infringing Shopping Ads promoting that seller’s Infringing Works and linking to the Pirate Site), and yet “Google continued to provide its services to assist and support the pirate[s] infringement,” the complaint said.

The publishers also attempted to sue the alleged pirates in district court and Google was aware of the injunctions issued in those cases, but “with each case it became clearer that the problem needed to be addressed by Google,” said the complaint. ☛

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



Worldwide Patents? **Not Yet.**

BUT PARIS CONVENTION, PATENT COOPERATION TREATY,
EUROPE'S UNITARY PATENT STOKES POSSIBILITIES **BY GENE QUINN**

FOR BETTER or for worse, there is no such thing as a worldwide patent. Generally speaking, patent rights must be obtained in individual countries, although there are notable global filing strategies that can be used to effectively lock in the possibility of getting patent protection across the globe or region.

How do you set out on a path toward worldwide patent protection? Here are three separate pathways that will leave open the opportunity.

The Paris Convention route

Usually, when an innovator seeks to obtain a patent, the choice is made to file an application in the country of origin. As a result of the Paris Convention for the Protection of Industrial Property, which was adopted in 1883, a patent application filed in virtually any country will establish a right of priority in any and every other country that is a signatory to the Paris Convention. There are 180 countries that are signatories to the Paris Convention, which makes it one of the most widely adopted treaties in the world.

The right of priority provided by the Paris Convention means a patent application filed in the United States can be used to establish a right of priority in any (or all) of the other 179 countries that are signatories to the Paris Convention. What that means is if you file a patent application in the United States on July 7, 2024, you have one year within which to file a patent application in any other signatory member of the Paris Convention and still be entitled to the priority filing date of July 7, 2024.

This is extremely helpful, and powerful. As of your filing date, the universe of prior art that can be applied to your application is locked.

And, as the result of the Patent Law Treaty (PLT), if a mistake is made that results in a priority claim not being made within 12

months, an extra two-month grace period is available (although entitlement to the extra two months is expensive and not nearly as universal as the underlying Paris Convention). The PLT has been ratified by 43 members worldwide.

This means the groundwork for worldwide patent rights can be established by a single patent application being filed in any one of 180 countries that are signatories to the Paris Convention.

More time than Paris

Since 1970, the Patent Cooperation Treaty (PCT) has authorized the filing of this single international patent application, which is treated the same as a domestic application in each of the 157 member countries that have ratified the PCT.

The PCT offers an alternative route to filing patent applications directly in the patent offices of those 157 member states. More specifically, the PCT enables an applicant to file in a standardized format and have that application acknowledged as a regular national or regional filing in all contracting states to the PCT as of that filing date (i.e., filing of an international application will constitute automatic designation all contracting countries to the PCT).

In the same manner, the PCT enables foreign applicants to file an international application, designating the U.S., in their home language in their home patent office and have the application acknowledged as a regular U.S. national filing.

The filing of a PCT application (also called an international application) begins what is known as the international phase. The international phase is the common phase among all 157 member countries. Ultimately, to obtain a patent it will be necessary to enter the national stage, which must ordinarily be commenced by the expiration of 30 months from the priority date (a different timeline currently applies for only Luxemburg and Tanzania).



The right of priority provided by the Paris Convention means a patent application filed in the United States can be used to establish a right of priority in any (or all) of the other 179 countries that are signatories to the Paris Convention.

The priority date, which defines by when an international application must enter the national stage, relates to the first filing for which priority is claimed.

The major benefit of the international application is that it gives the applicant up to 30 months to decide where around the world patent protection should ultimately be sought. But the PCT process has critics and can be quite expensive.

Europe and the Unitary Patent

Last year, Europe finally delivered on the promise of a pan-European patent, more or less. The advent of the unitary patent (UP) in Europe has made it much more economical to get patent protection across many countries in the EU—17 currently but eventually as many as 25 of the 27 EU member states (Spain and Croatia will not participate).

The Unitary Patent will be examined and administered by the European Patent Office (EPO). Applicants will file a European patent application, which will be searched and examined as per usual. When granted, applicants will be able to choose the Unitary Patent option.

Unitary patents will be treated as a single patent no longer requiring validation, which will lead to massive savings in time and costs. These patents will co-exist across the European continent with domestic patents obtained directly in

the member countries. The unitary patent will, however, be enforceable before the Unified Patent Court (UPC).

The UP will be quite appealing for many innovators, particularly those who require numerous patents in numerous countries to adequately cover the underlying innovation. In that situation, the cost saving and streamlining will be substantial.

But disputes relating to a unitary patent are resolved in the UPC, which subjects all rights obtained through the unitary patent in all countries to be subject to a single challenge in a single court.

Putting all your eggs in a single basket is not a particularly useful solution for innovators who rely on a single patent or a few patents to cover their innovations. The potential loss of all patent rights across all countries in a single challenge is scary, to say the least. So, what makes the UP and UPC attractive to some makes it unattractive to others. 🚫

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



IoT Corner

Researchers at Tennessee Technological University have taken the cover off their soil power transmission system with **Through The Soil**, or TTS.

TTS pushes power through the earth in cultivated fields to power remote IoT sensors. An electrode buried deep in the soil takes in solar power and uses an inverter to transmit low-voltage AC power through layers of soil. The conductivity of the soil, typically high in fertilized fields, transmits the power, which is then picked up by the sensors.

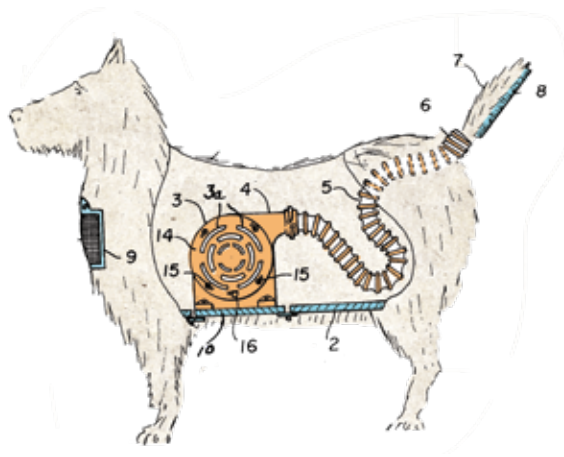
This patented technology opens possibilities for agricultural IoT, because keeping devices powered can be a challenge when deployed over many acres. —*Jeremy Losaw*



Wunderkinds

Ryan Honary witnessed the 2018 Camp Fire—California’s deadliest wildfire—as a fifth-grader. He was motivated to develop an artificial intelligence-driven system he calls **SensorY AI**, now his company, which has earned numerous awards and grants. The

Office of Naval Research awarded SensorY AI a grant of nearly \$1.6 million in 2021. Ryan’s efforts have led to AI initiatives by the state of California to prevent wildfires.



What IS That?

A combination toy dog and vacuum cleaner, with a retractable tail that is the suction hose. Anne Margaret Zaleski from Pittsburgh applied for a patent in March 1972 and was granted **U.S. Patent No. 3,771,192** a little over 20 months later. She eventually let it expire. Dyson, what do you think?

Get Busy!

The 2024 James Dyson Award competition deadline is July 17. It’s open to aspiring inventors, engineering and design students, and recent graduates, with a focus on global issues. Details: jamesdysonaward.org

WHAT DO YOU KNOW?

1 True or false: The song “You’re a Grand Old Flag,” published in 1906, is in the public domain (not subject to copyright).

2 It is sometimes erroneously reported that this 20th-century business titan invented the charcoal briquette:

- A)** Dale Carnegie **B)** William Randolph Hearst
C) John Rockefeller **D)** Henry Ford

3 True or false: Thomas Edison died on the Fourth of July.

4 Which was invented first—cotton candy, or potato chips?

5 Which of these concepts that promote a calmer, safer Fourth of July is not a patented invention?

- A)** Sparkler shield
B) Metallic launch gloves
C) Fireworks safety sleeve
D) Pet anti-anxiety shirt



ANSWERS: 1. True. 2. D. But Ford contributed significantly to the process as a means to reduce waste and reuse wood scraps. 3. False—but Founding Father Presidents John Adams, Thomas Jefferson and James Monroe all did. 4. Cotton candy, 1897 (by a dentist); potato chips, 1853. 5.B.

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