

INVENTORS

THE MAGAZINE FOR IDEA PEOPLE >

DIGEST

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PROTOTYPING
A PENNY FOR YOUR
PROTOTYPE

ASK A PRO
MOTHER OF INVENTION

**WELCOME TO
THE MACHINE**
INTERPRETATION OF
A NONDISCLOSURE

INVENTZ NETWORK
Q&A WITH T.J. DEVALE

LANDER ZONE
DESPERATELY
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EDITOR'S NOTE

Amazing!

What are they putting in the water these days? Remember when we were amazed by the kid in college who invented the next great widget? We thought someone in his/her 20's was a whiz-kid if they held a patent or developed that new widget. Check out our cover story on "12" year old Samantha Melin -- Yes, she was only 12 and only in the 6th grade and is a patent holder.

I couldn't imagine when I was in the 6th grade asking my dad how my patent application was proceeding or has our patent attorney called me back. If you didn't have a baseball, football or basketball, I wasn't very interested.

If you've ever wondered why *Inventors Digest* covers as many youth related contest & programs as we do, Sam's story is a shining example of why we do. Young people like Samantha will make a mark on this earth eventually, but offering programs/contest like Science Fairs, the Conrad Foundation, Camp Invention, FIRST and many, many more, you're giving our youth the chance to develop that inner self at such a young age. If they start at such a young age just imagine what they will do at the ripe old age of 25.

Offering programs are never enough, but it's a great start. Sam obviously has a great support system at home and I'm sure mentors in her life as did I. My father always preached to look for a better way to do virtually everything. As a patent holder and innovator, he was my support and inspiration. I challenge you all to do the same for budding young innovator.

Way to go Sam!

Mark R. Cantey

VP & Associate Publisher

Mark R. Cantey



INVENTORS

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DIGEST

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DHANA COHEN Co-founder of The Women Inventorz Network and the newly created Inventorz(VIRTUAL)Network. Dhana knows a thing or two about great innovation, as an inventor herself she struggled with who to contact, and who truly had her best interest in mind. Luckily she stopped inventing after several products and took her background in marketing and partnered with Melinda Knight, together they have developed the right connections, education and marketing for the inventor community. The new (VIRTUAL) InventorzNetwork.com is the only platform out there in the inventor industry, think Match.com meets Angie's List for the inventor industry.



EDIE TOLCHIN, known as "The Sourcing Lady" (SM), "invented" EGT Global Trading in 1997, with a goal to link U.S. inventors with Asian manufacturers, to provide an exclusive import service for sourcing, quality control, production testing and safety issues, manufacturing, international financing, air/ocean shipping, customs clearance arrangements, and dock-to-door delivery. Website: www.egtglobaltrading.com



JEFFREY G. SHELDON, is the founding partner of Sheldon Mak & Anderson in Pasadena, where his practice focuses exclusively on intellectual property law, including prosecution, litigation, and international and domestic licensing, as well as an arbitrator and mediator. In addition to California state and federal courts, he is admitted to practice before the Ninth and Federal Circuits and the U.S. Supreme Court, and is also registered to practice before the U.S. Patent & Trademark Office.



JOHN RAU, president/CEO of Ultra-Research Inc., an Anaheim, CA-based market research firm, has over 25 years of experience conducting market research for ideas, inventions and other forms of intellectual property. In addition, he is a member of the Board of Directors of Inventors Forum, based in Orange County, CA, which is one of the largest inventor organizations in the nation. He has been a contributor to Inventors Digest magazine since 1998. Mr. Rau can be reached at (714) 281-0150, or ultraresch@cs.com.

Market Research *tip of the* Month

by John Rau

Have you ever heard of the “inventor 911 call”? It’s called (no pun intended here!) “I need help!” It all starts when you’ve got this great idea and think it has commercial value (which is synonymous with your brother-in-law telling you that it is worth millions!), but you don’t know what to do with this “million dollar idea”? Many inventors feel somewhat lost and overwhelmed wondering how to go about getting help with their idea. The one thing you don’t want to do is to respond to any of the TV ads you see such as dial “1-800-I CAN HELP YOU WITH YOUR INVENTION”.

My suggestion is to always start by finding other inventors in your area that you could talk to. You want to know what they did with their idea, were they able to successfully commercialize it and, if so, how did they do it. You also want to ask them did they need help and, if so, where and how did they find the help they needed. Ask them for referrals to professionals that are credible and knowledgeable. You should look for inventor type clubs and organizations in your area. A good such list appears each month in the back pages of Inventors Digest magazine. Getting input and experience “stories” from those that “have been there and done that” will be extremely helpful in getting you starting in your how to proceed process.

If you are considering the possibility of commercializing your invention idea, then you need to start thinking like a businessman. After all, this is a business venture! Businesses typically have a Board of Advisors (or some type of Advisory Team) to guide them, then why not the individual inventor?

Phased Res
Resources and Services Needed
Inventors, local inventor clubs and organizations
Legal services such as patent attorney and/or patent agent
Local library staff
Local university/college business school and entrepreneurship students
Potential customers
Industry leaders, specialists and product consultants in your target market area
Market research specialists
Design engineers and product development specialists for your type of product idea
Prototype developers
Materials consultants
Manufacturing consultants
Pricing specialists
Marketing consultants
Product agents (if applicable)
Financial planners and accountants
SCORE, SBA and related business counselors

He or she should likewise have a Board of Advisors to provide guidance and assistance as the inventor goes down the commercialization path. Generally speaking, most inventors end up doing this in an ad hoc way enlisting the support of people with special skills and expertise along the way as needed. However, when starting out, the novice inventor generally doesn't have a clue as to what types of "People help sources" he or she is going to need. The use of patent attorneys for advice on patenting and legal procedures and/or the use of patent agents to assist in patent filing is an obvious example of the type of "people help" an inventor is going to need, but what are the other types?

A way to approach answering this question is to examine the "people help needs" from the perspective of where the inventor is in the stage of commercialization activities. A simplified and illustrative way of view-

Source Grid		
Thinking about it Phase	Invention Development Phase	Marketing Phase
✓	✓	✓
✓	✓	✓
✓	✓	
✓	✓	✓
✓	✓	
✓	✓	✓
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		✓
	✓	✓
		✓

ing this time sequence of activities and the matching of "people help needs" is to examine this situation from the perspective of three major types of activities starting with what I call the "Thinking About It Phase", where every inventor starts (what I call the "do your homework" phase), the "Development and Implementation of the Invention Development Business Plan Phase", and the "Development and Implementation of the Marketing Plan Phase", which focusses on the licensing and/or sale of a patented idea. The following chart presents a summary of typical people help needs relative to these three phases and is not intended to be all inclusive, but illustrative.

As you go down the commercialization path with your new product idea, you should have a "team" of advisors, or Advisory Board if you will, made up of people who can advise you along the way. You don't necessarily need one of each type listed above, but you want those individuals who you know and can trust. Friends and relatives are not necessarily the best choices for Advisory Board members. Keep in mind that these are your "cheerleaders", ego boosters and sources of moral support. Unless they have the requisite skills and prior applicable business backgrounds, keep them separate. Your Advisory Board members should be made up of those specific individuals that can help you where you need help. Since your Board members may be discussing confidential issues, be sure to obtain signed confidentiality agreements. Remember don't try to be the "Lone Ranger". Even he needed Tonto! In your case, as an inventor, you are going to need more than one Tonto!



Contact John Rau at:
 ultraresch@cs.com
 714.281.0150

UNDER THE RADAR

1 Bolt Wall Charger Lets You Take the Battery Power With You

There are plenty of novel device chargers out there, but some of them stand out thanks to their originality. The BOLT is a portable USB charger that also acts as a back-up battery for any USB-charged device. Built-in fold-out power prongs make it easy to carry around – as long as you don't mind carrying around a somewhat bulky thing with lots of corners. BOLT eliminates the need to carry both a wall charger and an extra back-up battery for your devices. Designed by FLUXMOB, the BOLT contains a 3000mAh Li-Ion battery that charges up as it charges your device. When you're ready to hit the road, unplug the BOLT and take it with you as a back-up battery. <http://www.fluxmob.com>



FITGuard Concussion-Sensing Mouth Guard

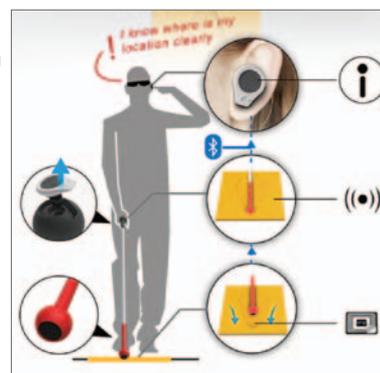


The FITGuard mouthguard was designed to help detect concussions, and could be more accurate than typical helmet-embedded devices. Developed by Force Impact Technologies, the FITGuard features an illuminated strip on the front of the device that will turn blue following a sub-concussive impact and red when it senses a more significant impact. The design is based on studies that suggest that sensors located in the mouth “have a higher correlation

to the center of gravity of the brain,” possibly because the mouth guard attaches to the rear molars, which are in turn attached to the base of the skull. The FITGuard can also be set to a pre-determined threshold based on the user's age, weight and gender, and can communicate with any enabled smartphone via Bluetooth. <https://www.fitguard.me/>

3 Smart Bricks: RFID-Enabled Bricks Guide Blind Walkers

Navigation helping devices for the visually impaired span all levels of technology, affordability and feasibility. The Blind Guider concept from designers Jang Cheng, Hui-Chuan Ma, Chih-Hao Wang and Yin-Kai Li is high on functionality and technology, but scores a little lower on the scale of possibility. The system consists of guide bricks with RFID chips embedded which communicate with sensors on the bottom of the guide cane. When a visually impaired person is walking along a sidewalk and approaches one of the guide bricks, the RFID tag inside the brick interacts with the guide cane to identify the street on which the walker stands. The information is sent to the wireless earpiece worn by the user, telling that person exactly where they are. The user can then move the cane around to other parts of the guide brick in to navigate to their destination. <http://www.yankodesign.com/2014/04/22/the-guide-brick/>



UNDER THE RADAR

4 CleverPet Keeps Dogs Amused

Designed with doting dog-owners in mind, the CleverPet is an electronic game for dogs—encouraging the pet to exercise its mind instead of chewing up the sofa. Already surpassing its funding goal on Kickstarter, the CleverPet is equipped with three silicon touch pads designed to invite the dog's touch (as compared to the hard plastic things the dog is shooed away from). Gameplay involves remembering the patterns of light and then pressing the corresponding pads in the correct order, and the complexity will increase as the dog plays. A bit of hard food is dispensed as a reward, encouraging continued participation. The designers state that the CleverPet goes beyond being a toy by replacing the dog's single-gulp dog dish with a stimulating alternative that also serves the food a bit at time.

<http://getcleverpet.com>



Kohler Touchless Flush Kit



Created with the germ-conscious in mind, the Touchless Flush Kit from Kohler lets users flush the toilet with a simple hand gesture. The Touchless Flush Kit's battery-powered module secures to the inside of the tank and emits an electromagnetic field that extends above the top of the tank. An arm with a chain attached to it protrudes from one side of the module and attaches to the toilet's flush system, which is activated when the user passes their hand through the electromagnetic field above. The kit also includes a decal to indicate the location of the field and a color-matched hole cover to replace the flush lever. Although touchless flush technology has been in use for

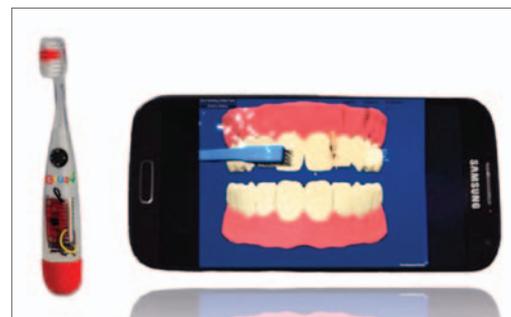
some time, Kohler is the first to offer it as an aftermarket option homeowners.

<http://www.us.kohler.com/us/catalog/productDetails.jsp?productNumber=1954>

6 Gaming Toothbrush Makes Brushing Fun + Easier For Kids

Getting kids to brush their teeth properly is, for lack of a better phrase, like pulling teeth. Grush is a toothbrush combined with a video game – mashing up kids' least favorite activity with one of their favorites. The setup consists of a toothbrush that works as a motion-sensing game controller, the Grush cloud server which stores brushing activity and shows it to parents, and interactive mobile games that run on Android or iOS devices. The games guide kids through proper tooth brushing, giving them points based on their performance. There are several games specially tailored for specific ages and genders. Kids can take care of virtual pets, fight tooth monsters, conduct an orchestra, and even fly planes as they brush.

<http://www.grushgamer.com>



2 *Critical Steps to getting your NEW PRODUCT "out there"*

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2 GET A WEBSITE!

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UNDER THE RADAR

7 SOAPSEAT: So simple, but so smart.

If you use bar soap in your shower, tub, or sink you'll want to have one of these. Inventor, Keith Barclay of Middlesex, NJ has created the perfect soap dish! SOAPSEAT never fills with water allowing your soap to dry and effectively be used right to the end. The top tray is removable and dishwasher safe so you'll never have to hand wash your soap dish again. The adjustable legs allow it to be placed at a raised rim sink or on the rounded edge of a free-standing tub. What's more, the top tray can be interchanged with other colors to create a look to compliment your decor. Time to toss those ugly soap-savers! SOAPSEAT will launch on Kickstarter on September 14th. Early-bird backers of the campaign get SOAPSEAT as a reward for a one-time low price. www.krevare.com



Headfoams Bend to Survive Abuse

8



Nerf-inspired Headfoams from Marblue are headphones that can twist, bend and withstand drops, making them particularly kid-proof. The company describes it as Patent Pending Fun, trendy, and unique, child-safe foam headphones for play, school-work, and entertainment. Available in a variety of colors, Headfoams are made of non-toxic, BPA-free foam and will fit most children, although the set also includes a pad allowing you to adjust the fit for smaller heads. Headfoams also feature a volume limiter, which sets the volume to a kid-safe 85-decible max. <http://www.gomarblue.com/headfoams-kids-headphones>

9 Golden Goose Scrambles Eggs in the Shell

The Golden Goose can scramble an egg inside its shell in 15 seconds, opening the door to a new range of egg dishes while also cutting down a bit on the dirty dishes. Already exceeding its funding goal on Kickstarter, the Golden Goose is a hand-powered gadget able to in-shell scramble an egg to create what its creator calls a Golden Egg. The device holds the egg within a padded chamber attached to a pair of looped-rope handles. As the user pulls on the handles, the chamber will spin in alternating rotations, causing the yolk and white of the egg to mix together without the introduction of outside air. The Golden Eggs can be used in any dish that calls for eggs, and according to developer Geraint Krumpe, they are more flavorful than eggs prepared in the normal fashion. And, since the egg is mixed in the shell, there are a few less dishes to wash.

<http://www.kitchengoose.com>



UNDER THE RADAR

10 Wearable Generator Uses Body Heat to Power Smart Devices

Wearable electronic devices are already being developed and manufactured. A team of researchers at the Korea Advanced Institute of Science and Technology (KAIST) have invented a lightweight wearable generator that uses your body heat to provide low-power devices with electricity. The flexible generator features thermoelectric materials embedded in a lightweight glass fabric. The result is a wearable generator that is hardly noticeable when it's on, moves with your body, and generates a reasonably high power output. All it needs is the waste heat your body produces all day, every day. A 4 X 4 wristband made of the material would weigh less than half an ounce and produce 40 mW of power at room temperature. That's not enough to power a consumer device like a phone or tablet, but it should be more than adequate for lower-power devices like fitness trackers and smartwatches.

<http://nuviun.com/content/news/Fabric-Converts-Body-Heat-to-Power-Sensors-and-Wearable-Devices>



Smartsun Wristband Tracks UV Exposure



The Smartsun wristband changes color after absorbing UV rays, making it easier to find the balance between a healthy and dangerous amount of sun. Two years in the making, the Smartsun wristband is designed for one-time use. When the band's acid-release agent has been exposed to a certain amount of UV light, it will change the material's pH levels and cause the dye to change color—moving from yellow (unused) to pink (apply more sunscreen) and finally to a dark pink that indicates it is time to get out of the sun. The Smartsun band is unique in that

it is meant to have the sunscreen applied to it as well as to the user's body, which helps increase its accuracy. <http://www.smartsun.se/en/uvwristband/>

12 Stemlock Deters Bike Thieves by Disabling Steering

The Stemlock is an innovation that combines both an unprecedented feature to facilitate bike storage and an extremely effective deterrent against theft. In a single step, your bike can be stored in the smallest spaces. And with the turn of a key, the bike becomes unusable for anyone other than its owner. Stemlock integrates two new functions into the bicycle. On one hand, it simplifies storage and transport. On the other hand, it is a powerful protection against theft. Stemlock is the first lock integrated into a multifunctional stem. With one turn of a key, the handlebar is disassociated from the fork, making the bike absolutely impossible to be ridden or conducted. The storage & transport function is also available with a turn of a key, to quickly align the handlebar along with the frame and the wheels.

<http://ixow.com/innovation/stemlock/>

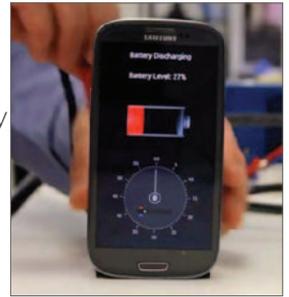


UNDER THE RADAR

13 Quantum-Powered Charger Juices Up a Phone in 30 Seconds

An Israeli startup called StoreDot has developed a prototype that does exactly that, even if the battery is dead. The secret used in the amazing charger is called quantum dot technology. It relies on microscopic nanocrystal batteries made of semiconductor materials. StoreDot calls their version of the technology “nanodots,” and they hope to completely change the world of mobile device batteries. The technology is much greener than current mobile batteries and, amazingly, also costs less. As of yet, the StoreDot device is big and bulky, and nowhere near ready to be used in a phone. According to StoreDot, we’re about a year away from seeing this technology built inside phones, and another two years away from seeing it get powerful enough to last a whole day. By 2017 or so, we should all be carrying around smart devices with quantum magic happening inside them.

<http://www.store-dot.com>



Luna Wash Concept Washes Clothes in the Hamper

14



The Luna Wash concept sees the washing machine being brought to the dirty clothes, instead of the other way around. Created for the Electrolux Design Challenge, the Luna is a metallic sphere designed to clean the clothes directly in the hamper using a cloud of steam and electrostatically charged particles. After the steam loosens the dirt from the clothes, the charged particles attract the dirt to the Luna’s metal structure as the device vibrates its way through the pile of clothes. Once the cleaning cycle

is complete, the Luna then dries the clothes with hot air.

<http://electroluxdesignlab.com/2014/submission/luna/>

15 Protective Helmet Helps Soldiers Keep Their Cool

A new generation of headgear for soldiers could help keep them cooler while also protecting them against chemical and biological weapons. The key to the improved unit lies in a lightweight fan powered by a battery pack carried by the soldier. The face mask connects to the fan via a hose, which allows fresh, filtered air to flow through the helmet and onto the soldier’s face. The air is filtered through the side of the mask, keeping the soldier safe from toxins. According to the helmet developers at the Edgewood Chemical Biological Center, the next version of the helmet will use body sensors to allow the fan to turn on automatically.



<http://www.businessweek.com/articles/2014-05-13/u-dot-s-dot-armys-creepy-sci-fi-helmets-come-with-built-in-a-c>

UNDER THE RADAR

16 Pure Towel Concept Dries Towels in Seconds

The Pure Towel concept dries towels where they hang, helping to save energy while combating damp, germ-y towels. A top-voted entry in the Electrolux Design Lab competition, the Pure Towel concept features a ring-shaped scanner fitted with a '360 degree UV ray' and a circular fan. The device's smart hanger would be able to recognize the recently-hung towel and send a signal to the UV-equipped ring, which would then begin to scan the towel up and down—drying it completely within ten seconds. According to the developer, the device could not only help save the energy required for washing and drying, but could also be useful in public spaces, such as gyms and hotels, to help assure customers that their towel is clean.

<http://www.electroluxdesignlab.com/2014/submission/pure-towel/>



ChargeCard Wallet-Sized USB Charger

17



The ChargeCard smartphone charger and cable is small enough to slip inside a wallet, helping ensure you're always ready to power-up. The ChargeCard is made by the same company that created the ChargeKey, with the idea that people will usually not leave home without their wallet or keys. Like the ChargeKey, the ChargeCard can draw power from a USB and features a USB to Lightning (or Micro USB) cable. The pliable material that forms the 'cable' will flex in middle to allow the USB to attach to the power port and then fold back up into its slim credit card shape.

<http://www.hellonomad.com>

18 Legrand Adorne - Flush-Mounted Pop-Out Electrical Outlets

Designed in response to the amount of germs Traditional power outlets aren't all that interesting to look at, and at the end of the day, what is remaining is large power outlet filled with bulky wires. For a creative home, we need something unique that keeps our walls simple and clean. Legrand Adorne is a pop-out power outlet that stays hidden and covered when not in use and when pushed, they pop out to conveniently expose three outlets. When you're finished, simply push and they disappear back into the wall.

<http://www.spicytec.com/2013/12/legrand-adorne-flush-mounted-pop-out.html>



12 year old Samantha Melin wins a 6th grade Science Fair, secures patent protection and launches a new business.



EVERYTHING BUT THE KITCHEN SINK

A little over two years ago, when Sam heard about her 6th grade science fair, she couldn't wait to begin. The prompt was pretty straightforward: develop an invention that betters or improves something regular people are faced with in day-to-day life.

As someone who's always thrived in the arts, Sam didn't anticipate bringing home gold from the Cape Fear Academy Middle School Science Fair. Even more surprising were the two patents that came out of it.

Of course, as an accomplished academic, musician and the youngest performer in Opera Wilmington, Sam is not only well acquainted with exceeding expectations, she also regularly stands out. This past year the opera company actually created a new role for her in their production of *The Merry Widow* to complement her mature singing voice. Additionally, when she started 6th grade at Cape Fear Academy Middle School, her educators immediately took notice of her natural gifts and the seemingly boundless efforts she puts into all her work.

"Sam always had her hand up in my class," says Sam's 6th grade science teacher Jamie Bonetti. "I would ask for a paper and she'd hand me a novel, and not for any reason besides the fact that she genuinely loved to learn. When she's confronted with new information, she makes the effort to understand it inside and out."

The Science Fair

Cape Fear Academy, located in Wilmington, North Carolina, is a private college preparatory school with virtually 100% of all graduates going on to attend college, both in the US and abroad. The annual Cape Fear Academy Science Fair is a required part of 6th, 7th and 8th grade curriculum. Coming from a background as a collegiate level educator, first year teacher Jamie Bonetti decided to give the 2012 science fair a unique twist.

She and the other Cape Fear Science Fair organizers challenged their middle school



participants to make their own inventions, ones that would better everyday life.

To kick off the project, students were instructed to first learn the theory and history of invention. After they had researched famous inventors and studied up on the invention process, they were to brainstorm their own inventions. In doing so, they were encouraged to explore the world around them and interview their friends and family. Was there something they'd like to improve about the world? Did they have a product in mind that they wish existed, but didn't yet?

After they identified their invention and outlined the project in detail, they then submitted proof-of-concepts to propose their respective ideas. Once the teacher approved their concepts, they were permitted to move forward with their ideas. Students were limited to a modest budget of 30-50 dollars to buy supplies.

Cape Fear Academy is located in Wilmington, North Carolina, a beach community nestled alongside the Atlantic Ocean. As a result, many of the students decided to focus their projects on problems that affect beach goers, i.e. boogie board carriers and sand trappers. Other students created solutions to simplify household chores like cleaning or carrying groceries. Though she did not know it at the time, what Sam would ultimately come up with would be slightly more complex.

Brainstorm & Development

The idea first came to her during a conversation with her mom. When she asked her mother something she'd like to improve in the Melin home, the two identified a reoccurring problem: silverware falling into the kitchen sink's disposal. It seemed like at least once a week a fork, knife and/or spoon found its way into the disposal while it was running. It was damaging both to the silverware and the disposal. Moreover, the problem spanned far beyond the Melin household.

Under-sink disposals are very common in U.S. homes. While the disposal's purpose is to diminish organic matter for the sewer system, they are not equipped for bottle caps, eating utensils and jewelry. Alas, those items inadvertently find their way into the disposal causing damage, destroying the item itself and sometimes requiring a plumber for repairs.

Sam knew the best way to prevent the problem was to catch these items prior to them entering the disposal. She decided the

the alarm light.

Following the protocol for the development for her invention, Sam presented a proof-of-concept blueprint to Bonetti. The blueprint embodied the purpose of the Silverware Saver, the design and listed the parts needed for assembly. Bonetti quickly approved the project, giving Sam the green light to move forward with the model.

Sam picked up a metal detector kit off the shelf at a hobby store and purchased the other materials at a home improvement shop. The project required detailed assembly. She spent hours in her garage constructing a mock model of a conventional sink with a mock disposal, positioning the sensor coil, connecting the power source and soldering the components to the circuit board. Sam also put the invention through a number of tests, making sure it worked perfectly.

"Sam wasn't afraid to learn how to use new tools," said Bonetti. "She dove right in to soldering the circuit and assembling all of the parts. You could tell just by talking to her that it was not only her brainchild, but she

"YOU COULD TELL JUST BY TALKING TO HER THAT IT WAS NOT ONLY HER BRAINCHILD, BUT SHE HAD PUT THE ENTIRE THING TOGETHER. SHE KNEW EVERYTHING ABOUT IT."

solution should include a detector located at the opening of the disposal, an alarm light, a warning buzzer and a mechanism that turns off the disposal as soon as metallic objects are detected. After some brainstorming, Sam developed a prototype of the invention complete with a list of the necessary parts.

The preliminary design included a sensor coil, circuitry and alarm light. The metal detector coil encircled the entry point of the disposal, acting as a sensory gatekeeper for any unwanted items entering the disposal. The power mechanism for the disposal and an alarm light were connected to the coil via circuit. Whenever an unfit object entered the disposal, the sensory coil would detect it, stopping the disposal and illuminating

had put the entire thing together. She knew everything about it."

The Patent

Tom Melin, Sam's father, was extremely excited to see his daughter's engagement in her science fair project. Tom, a neurosurgeon, has always been dedicated to the sciences. In contrast, his daughter had previously paid most of her attention to music and the arts. It wasn't until the 2012 Cape Fear Academy Science Fair that Sam developed a keen interest in science and a passion for invention, something her father could truly relate to.

Tom worked with his physician's assistant, Sean Hensler, to invent a surgical device

that went on to be patented, FDA approved and is now nationally and internationally distributed. The Hensler Bone Press acts like a French coffee press to collect live bone tissue during surgery and then drain blood from the bone matter. Before this invention, it was regular practice to use several thousand dollars worth of synthetic materials in place of the bone tissue. This invention made it possible for a person's own living bone matter to be reused in another part of their body during a surgical procedure, saving money and time and improving patient care.

Sam remembered watching her father complete the invention process: identifying a problem, developing a device and teaming up with a patent lawyer to bring the idea to life. Inspired by his success and her own work, she performed an Internet search to find the patent for her science fair project invention. When she didn't find anything, she mentioned it to her father. He helped her with a second, more in-depth search and the two came up empty once again.

“SAM MELIN HAD PRELIMINARY COPIES OF THE PATENT APPLICATION TO DISPLAY BESIDE A WORKING MODEL OF THE SILVERWARE SAVER.”

“That spring I spoke with my patent lawyer,” said Tom Melin, “I mentioned Sam’s science fair project and our patent search. He helped me confirm the fact that there was nothing else like it patented. We then decided to team up with a company and create real engineering mockups and apply for an expedited patent.”

The night of the Cape Fear Academy Science Fair on April 26th, 2012, approximately 10 weeks after her original brainstorm, Sam Melin had preliminary copies of the patent application to display beside a working model of the Silverware

Saver. To present along with her project, she also developed a fictitious company name (SMELIN), logo, jingle and prospective buyer testimonials.

As the founder and CEO of SMELIN, Sam presented The Silverware Saver with confidence and ease. Parents, faculty and her 150 classmates all had the opportunity to watch her demonstrate the custom-built sensor coil, shut-off mechanism and alarm light. Sam ended up winning both the popular (made by science fair attendees) and faculty (Cape Fear teachers and staff) votes. Emerging victorious, she had bigger plans for the Silverware Saver than ever before.

Samelin Innovations, LLC

Now, more than two years since the science fair, Sam’s science fair project and subsequent Internet search led her to obtain two distinct patents. While there wasn’t an existing patented concept that matched the Silverware Saver’s, the closest one out there was held by InSinkEerator.

While the InSinkEerator product also detects foreign objects and shuts off a disposal, it was fundamentally different than Sam’s invention. The disposal only cut off once a spoon or fork has made its way down to the disposal’s grinder plate. In contrast to Sam’s product, which detects silverware at the in-take to the disposal, the InSinkEerator product only detects metallic objects after they’ve begun to cause damage to the disposal. Part of appliance giant Emerson Electric’s, InSinkEerator holds around 70% of the market share for sink disposals.

The fictitious company, SMELIN, Sam created for the science fair is now legally registered in North Carolina as Samelin Innovations, LLC. The company is a fledgling new business with a patent-protected invention as its foundation.

Since Samelin Innovations applied for the patent in 2012, they have hired Charlotte-based Eventys to work out the bugs and develop a prototype. The Eventys product development team specializes in engineering, industrial design and prototyping. The team

SAM PUTTING TOGETHER HER SCIENCE FAIR PROJECT



THE PROBLEM: SILVERWARE FALLING INTO THE KITCHEN SINK DISPOSAL

that helped to engineer Tom's bone press invention is now tasked with accomplishing the same goal for Sam: optimizing her device's design, wiring and sensors so that it is manufacture and/or license ready.

The future for the Silverware Saver When they determine how to bring the Silverware Saver to mass audiences, they have two options. The first would be to license the product and sell the rights to a major sink disposal manufacturer. Companies like Kitchen Aid and InSinkEerator would be able to use the Silverware Saver to improve upon their existing sink disposal designs. They also already have the infrastructure in place to produce the product on a large scale and deliver it to interested retailers.

Another option would be to manufacture the Silverware Saver as an accessory for existing sink disposals. Seeing that large companies like Kitchen Aid and InSinkEerator already produce a large number

of conventional sink disposals, Samelin Innovations could sell the Silverware Saver as an add on. They could simply develop a sensor ring that works with any existing sink-disposal configuration that's wirelessly connected and programed to shut off their existing disposals.

The future of Samelin Innovations, LLC is currently uncertain, but looking very bright. Another future that's looking bright? Samantha Melin's. As a student who seems to exceed any and all expectations put in front of her, she accomplishes anything she puts her mind to. Teacher Jamie Bonnetti predicts Sam could be anything from a professional opera singer to a dentist.

"She could go to Julliard or med school or both. The only thing that's clear is that girl will be successful at absolutely anything she does," says Bonetti. "Just like her invention, she truly is one of a kind."

prototyping

By Jeremy Losaw

A Penny for Your Prototype

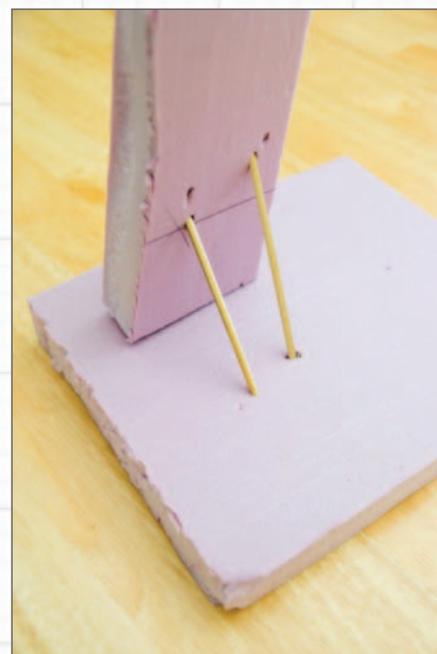
Every product idea needs to become tangible at some point, and the first embodiment of a product is a prototype. One of the most important prototyping stages is the proof of concept stage. This is typically the first prototyping stage where the idea is being tested to confirm that it is possible in whatever form. Fortunately, proof of concept models need not be expensive. Here are some ways to make great prototypes and not break the bank in the process.

Raw Materials

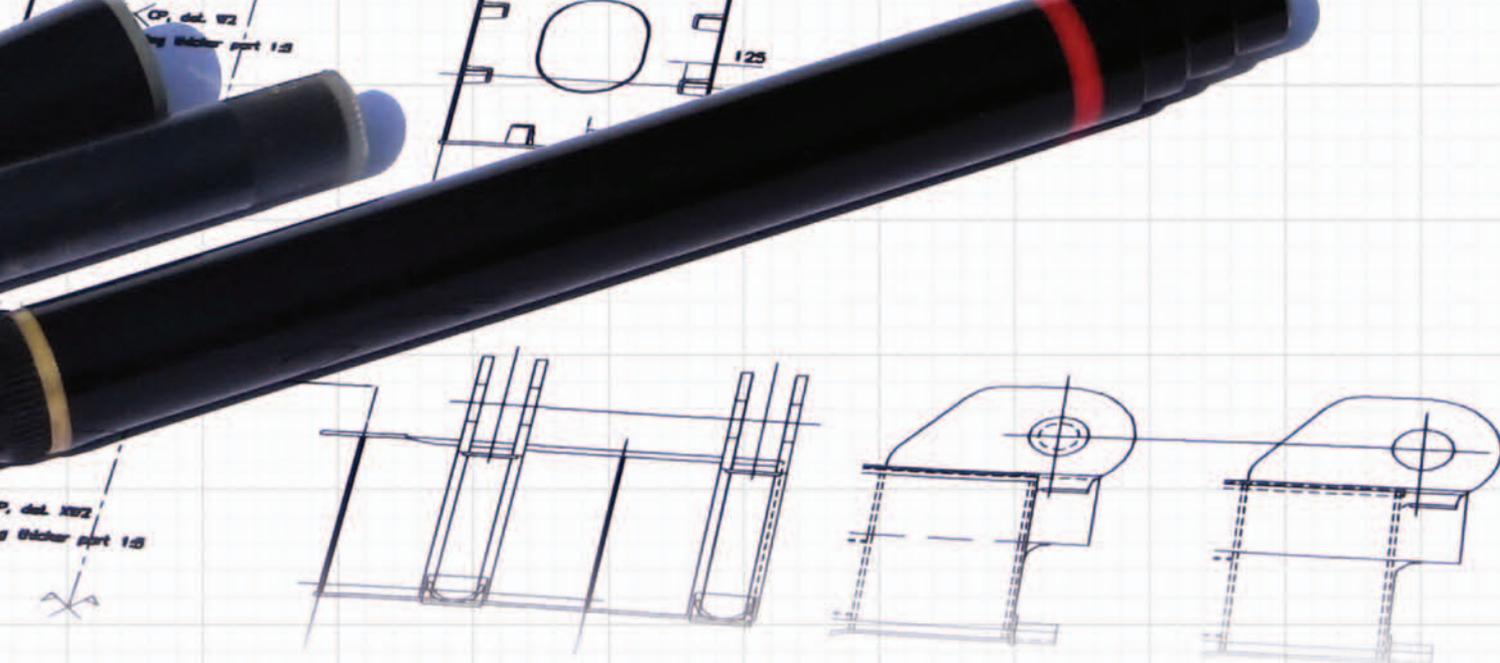
The proof of concept phase needs to be highly iterative and so the raw materials need to be inexpensive to allow for the number of iterations it will take to solve the problem. A great way to make prototypes quickly and cheaply is to use hard insulation foam. It is typically pink or blue and is found at most home improvement stores.

"One of the most-often-used tools in the EN shop is an Exacto knife."

It is inexpensive, comes in large sheets, is easy to cut and can be glued into nearly any shape. It can be penetrated easily and toothpicks can be used to pin pieces in place before gluing. It can also be cut into different profiles that can be glued together to create complex surfaces. It can even be used as a substrate for fiberglass molds.



Foam insulation is cheap and easy to work with.



Home improvement stores have a cornucopia of inexpensive prototyping materials besides foam. PVC pipe is another favorite of the Edison Nation design team. It is obvious that it can be used to prototype innovations that involve some sort of liquid handling, but it can also be used structurally. PVC tubing and fittings can be glued together to form simple frames or they can be used as linkages or other mechanical components. PVC tubing comes in such a wide range of sizes so it is suitable for many prototyping applications. The cylindrical shape can also be used as a form to bend thin pieces of sheet metal or tin foil to create perfectly curved shapes.

Mechanisms

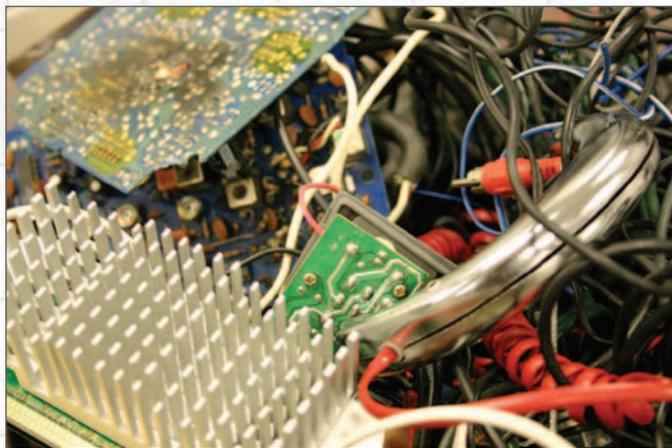
Most products require some sort of mechanism to provide the functionality to solve whatever question the innovation answers, and sometimes a prototype needs some more refined components that are hard to cut out of raw materials without specialized tools. One of the ways we get pre-made parts is to harvest them from broken products. Many consumer products are filled with great mechanical components like gears, axles, springs, and buttons. Every time one of the EN engineering team members breaks something at home like a vacuum cleaner or blender, they bring it in and put it into a bin to use for spare parts for future products. Toys are another great source of mechanical components, and it can be much cheaper to harvest a motor or gear train from a toy than to buy one individually.

Electrical

Many product ideas require electronics to make them function properly, and there are many ways to do electrical prototyping on the cheap. If your product idea requires sensors or some kind of control system



Early Wine Shark prototypes were made from inexpensive raw materials and mechanical components harvested from an off-the-shelf immersion blender.



One of the EN spare parts bins with various electrical components.

and you are willing to do your own programming, there are a plethora of open source micro-controllers available that can be used to develop a product. One of the most popular right now is the Arduino, and we use it frequently in the EN shop. It is only \$35 for the board, and it has plenty of computing power to read sensors, control servos, collect data from sensors, write to a display or even link up to a wireless network to transmit data to a website. There are also a lot of accessories available that are inexpensive to buy and also come with example code which makes the prototyping process quicker. If your project requires

more heavy duty processing, you may want to look at a board called the Raspberry Pi. It is also inexpensive to purchase and has a higher power processor that is more akin to a desktop computer.

Of course, any product that has a circuit needs components to populate the circuit boards. One great way to get components is to scavenge them from old or broken devices. VCRs, old gaming systems, and electronic toys are great places to harvest low level components like resistors and capacitors, or even higher-end components like speakers, motors and accelerometers.

Tools

Prototyping not only requires raw materials and components, it requires tools to build them. Fortunately, proof of concept prototyping rarely requires expensive tools. One of the most-often-used tools in the EN shop is an Exacto knife. They cost less than \$10 with a set of replacement blades, and are very versatile. They can be used to cut a lot of different types of materials, can be used to carve holes in thin plastics and paper-based materials. They can even be used to etch metal or de-burr a drilled metal hole.



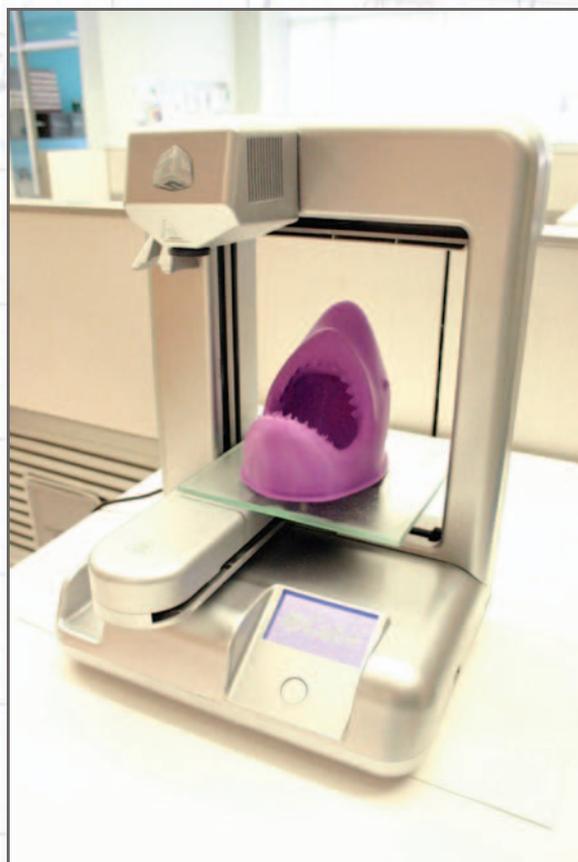
The wide variety of bits available for rotary tools makes them a must-have in the budget-friendly prototyper's workshop.

If you are going to invest in one power tool, the most robust type has to be a rotary tool like a Dremel. We use ours so much that we burned out the motor in it in less than a year. It can be used to grind, drill, sand, clean, and polish practically any type of material. The range of different bits and tools that are available makes them perfect for just about every prototyping job. While they will set you back about \$100-150 for

a typical tool and set of bits, they are well worth the investment in the saved time and ability to create that they allow.

The Next Level

While plenty of game-changing innovations can be made with tools and materials that are quite inexpensive, some of the more skilled prototypers may want add some expanded capabilities that are in the next



3D Systems Cube

price bracket. Fortunately there are tools that are not too pricey that can add a lot of capability per dollar. Mini CNC routers are available from many different manufacturers, and can give you the ability to cut perfect shapes over and over. Many of them use small rotary tools, like Dremels, as the cutting heads, which gives you even more value for that investment. These are in the \$1000 range to get a system up and running.

Additive manufacturing in the form of 3D printing is an essential tool for professional prototypers, but the technology is becoming less and less expensive for consumer level models too. There are a few models like the Printbot Simple that are around \$500. They are even less in kit version, but require a few hours of assembly, and they require some software tuning to get good, consistent prints. For prototypers that want a good out of the box 3D printer, the 3D Systems Cube is a great option. It is ready to print straight out of the box, and has a reputation for great reliability and high-quality prints. The great advantage of 3D printers is that you can generate parts with complex surfaces in just a few hours, which

can cut down on prototype iteration time significantly.

Many inventors are fearful of the prototyping stages of product development, as they believe that it will be an expensive process. However, the tools and materials needed to prototype most innovations are inexpensive and can be just the trick to helping you land your next licensing deal. Home improvement stores are a great source for cheap and easily-workable raw materials, and broken toys and consumer goods are great ways to harvest more specialized components and electronics. Investment in robust equipment like rotary tools can help speed up the process, and there is plenty of higher-end equipment for the more ambitious prototyper.



Visit Jeremy @
<http://blog.edisonnation.com/category/prototyping/>

Marion Donovan - A mother of Invention

They say that necessity is the mother of invention. Identify a pain that people suffer from and invent the remedy. Simple enough, right?

Parents from all over have Marion Donovan to thank for coming up with a solution to the daily pain of cleaning cloth diapers. Without her disposable diaper idea, Victor Mills may never have created Pampers. Salute Josephine Cochran for patenting the first home dishwasher and Whitcomb Judson for creating the first zipper for clothing.

But what about the real pains in life? What are the remedies for chronic knee pain, arthritis or hospital-acquired infections? Where will the solutions for these and hundreds of other ailments come from? The medical-device industry is a multibillion dollar industry with researchers and product developers searching for cures. But an often overlooked source for great ideas are those who live or work on the front lines of health care with the necessary insight and expertise to add to the invention process.

Doctors as inventors.



Dr. Levine and Dr. Wardlaw
credit: mdinventions.com

By training, doctors are always looking for ways to cure patients and many successful medical inventions have resulted from a physician questioning why something is done in a certain way.

Pathologist Stephen C. Wardlaw and endocrinologist Robert A. Levine invented a simple device for performing complete blood counts, the QBC-STAR, which the U.S. military tapped during Operation Desert Storm. A seasoned urologist, Dr. Errol Singh came up with the DirectVision device, which improved upon the practice of catheterization for men.

In an article for Health Affairs Alex Chatterji demonstrated that physicians account for almost 20 percent of about 26,000 medical-device patents filed in the United States from 1990 to 1996. Most physicians who file medical-device patents are not at academic institutions but in a group, two-physician practice or solo practice, Chatterji observed, suggesting that these individual inventors would apply for many more patents if they had fewer barriers to filing.

Nurses as innovators.

Nurses have also been prolific innovators in health care. Because nurses work so closely with patients, they often improvise ways to increase patient comfort, enhance treatment and facilitate care by developing workarounds: Myriad inventions have made their way from nurses' imagination into clinical practice.

For example, in the 1950s Bessie Blout developed a feeding-tube apparatus for amputees.

Emergency department nurse, Anita Dorr, developed the Crash Cart in 1968.

The I.V. House, an intravenous therapy product line, is the 1990 invention of mother-daughter duo Betty M. Rozier, an entrepreneur, and Lisa M. Vallino, a pediatric emergency nurse.



Anita Dorr
credit: www.ena.org



Marion Donovan
Credit: amhistory.si.edu



Josephine Cochran
credit: www.nazeleno.cz



Whitcomb Judson
Credit:
b0ludecesvariablogspot.com

ColorSafe IV lines were developed by two registered nurses, Terri Barton-Salinas and Gail Barton-Hay in 2003.

Oncology and intensive care nurse, Terri Street came up with T-Tag, a tamper-proof, color-coded tag that attaches easily to intravenous, enteral and oxygen tubing. The color-coding (such as sea-green on Saturday), alerts nurses of day the tubing was put into use.

Armed with medical knowledge and the compassion to provide care for those in need, doctors and nurses are in a perfect position to solve the problems facing health care professionals. Involving these individuals in the dialogue about how to improve patient care is critical for ensuring that the solutions developed have the biggest and most meaningful impact possible.

Collaborating to create new products.

Numerous paths can bring a health-care invention idea to life, but in all cases, collaboration and the right connections are required. True innovation can occur when the brilliant ideas of physicians, nurses, other caregivers and patients are connected to the stakeholders and organizations capable of helping to bring those ideas to life. In an industry that is ripe for disruption, patient-centric innovation will lead to the discovery and deployment of products and processes that improve the quality of care and positively affect patient outcomes.

A new division of my company, Edison Nation Medical, provides a valuable resource in serving as a trusted partner to evaluate an idea, determine the efficacy and then develop the product to the point where it is ready to be licensed to a medical-products manufacturer. For example, operating room nurse Ginny Porowski developed a simple yet novel way for more safely disposing of surgical gowns after observing colleagues removing them and sought a way to reduce the spread of hospital-acquired infections. Porowski partnered with Edison Nation Medical and today the GoGown is licensed to Medline Industries, a multibillion dollar distributor of medical products.

With similar inventiveness, Dr. William Nordt, an orthopedic surgeon, recognized the lack of a simple, cost-effective remedy for those experiencing overuse injuries and created an elastomeric knee brace. He licensed the innovation to Donjoy Global in 2009 and today the Reaction Knee Brace is a widely used treatment option for chronic knee pain. Dr. Nordt developed and licensed his product with the help of my company, Enventys, which serves as the product development and engineering arm of Edison Nation.



Learn more about us at:
www.edisonnation.com

Doing Your Homework is Vital Before Applying for a Patent

By John Calvert of the United Inventors Association

Inventors have a number of challenges when it comes to getting protection for their inventions. As a former examiner, primary examiner and supervisory examiner in an area that received more than 200 applications each year from inventors who filed on their own, called pro se, I have seen many of the problems that inventors need to be aware of when filing for patent protection. The first issue is doing the proper homework. The next issue is preparation of an application, and the final issue is dealing with the examiner. In this article I will try to provide you, the inventor, with a little knowledge that may help you avoid making many of the common errors that I witnessed in my more than 24 years at the United States Patent and Trademark Office (USPTO).

The first and biggest error that I saw was the lack of preparation on the part of the inventor. Most inventors who filed on their own did not do their homework. They thought that their invention, like mousetraps, would bring buyers to their doors to buy their product. This is the farthest thing from the truth there is. To get a product to the market and to sell that product, an inventor must have a product that is needed and that can be advertised so that someone will know about it and find it enticing. Cars don't sell themselves nor do homes nor do cell phones or any electronic products. These have to be needed and there has to be a market and the product needs to have a marketable need. So how does an inventor do his or her homework?

The first thing that needs to be done is to do a thorough patent search. This means spending a number of hours or days looking for the invention, the competition, other inventions that provide evidence that the new way of doing something has not already been discovered (this is called understanding obviousness) and finding what else is in the marketplace that will prevent your invention from being sold (freedom to operate). The next thing that needs to be checked is the cost of sales of the product. If it is too high, then it will never sell. A good rule of thumb would be to seek the manufacturing cost at 25% of the final sales price in order to get the product sold.

What was seen in a recent study was that about 40-45% of the inventors who prepared and filed their own application did not have an opportunity to have the application examined by a patent examiner. This was due to the fact that these applications did not properly present the information that was required to be forwarded to an examiner. Many applications did not present drawings, a claim, fees or even describe a proper invention. In other words, they were so poorly prepared that an examiner would not be able to determine what the invention was or if it was something that deserved patent protection.

In order to prevent this from happening, you need to do your homework, as described above. Then it is time to prepare your application for patent. It is suggested that you use a published patent as your template. A patent is published with a cover page showing many of the details about the invention, but that is not necessary in an application. You should start with the first page after the cover page(s). While a patent is published in two-column format, you should prepare the application in a full-page format using at least one and one-half or two line spacing. Use the headings in a published patent to help you create the different parts of the application. Once you have finished the application, you should prepare a short description of your invention - called an abstract, on a separate piece of paper. The abstract should not be more than about 150 words in length. Finally, on a separate sheet(s) of paper you should create your claims. Claims are the most difficult to write since they define the invention in words.

Claims are something that most examiners can understand, but not write. It is an art to construct claim language that give the greatest protection and also provides adequate protection for all aspects of your invention. Claims may be something that you need professional assistance in preparing. If you really want to write your own claims, please review as many patents as possible to see how claims are written by professional attorneys and agents within each of those patents before attempting on your own.

Once you are ready to file your application, you should file electronically since there is a paper filing surcharge of at least \$200 that you do not want to pay unless necessary. Electronic filing is not easy, but it is how most applicants for patents file their applications. This process is under refinement within the USPTO and should become easier in the near future.

Ok, you have filed your application and it has made it to an examiner. How long do you have to wait for it to be examined? You can find out by checking Private PAIR on the USPTO website at www.uspto.gov/patents/process/status/. Once you find where your application has been assigned, you should NOT call the examiner to check on your application. There is a time and a place to talk with him or her about the application.

Once the examiner has reviewed your application, they will send out a letter which is called an Office Action (OA). This OA will describe all that the examiner has found wrong or right with your application. Don't feel that they don't understand your invention when you look at the rejection and the cited patents. The examiner is reading how you have described your invention in the claims and has found patents (prior art) that they feel is defined in those pieces of prior art. It may not look like your drawings, but read your claims while looking at the prior art to understand how the examiner is understanding what you have claimed as your invention.

Now it is time to call the examiner and ask them how they can help you construct claims that may be patented. Remember, not all inventions are patented. Just over 50% of all applications become patents so your invention may not be patentable because of the prior art. All this goes back to doing a very thorough search prior to filing for a patent. The longer you take looking at prior art, the better understanding you will have when it comes time to decide if you need to file for a patent or not.

The cost for filing a non-provisional application is \$400 total if you are a micro entity (basic filing fee plus search fee and examination fee: \$70 + \$150 + \$180 respectively). The cost of an attorney is additional. There is a cost for issue (\$240) plus maintenance fees that could change (currently \$3,150 total over the 20 years). All fees may change so should be checked at www.uspto.gov/fees

Amendments are free up until the end of the 3rd month from the mailing date of the Office Action (examiner's letter / rejection). After that time they cost according to the extension of time fee on the fee schedule from the USPTO. An Office Action must be fully answered in an amendment in order to be considered. The way to get the date of mailing of the amendment is to place a certificate of mailing (an SB/92) found at www.uspto.gov/forms/aia_forms. Make sure you use the USPTO form since the post office Certified Mail is not accepted for a date at the USPTO, but the certificate of mailing is accepted as of the date placed in first class mail.

Any amendment not filed within a three-month period from the mailing date of an Office Action will require an extension of time. The cost for an extension of time escalates from month to month and can only be used for the 4th, 5th and 6th month after an Office Action. If a reply is not mailed with a certificate of mailing plus the required fee or prior to the end of the 6th month with the required fee the application will be considered abandoned. Correctly watching the time of an Office Action and replying timely is vital to making sure no extra fees are paid and that an application does not go abandoned.

Please see the rules for this status on the USPTO website, but the cost for filing something that is not patentable cannot be measured. Not getting patent protection or getting your product to be successful takes a greater toll than the cost of getting a patent. This loss takes away from your inventiveness and from your willingness to take a chance. If you have learned nothing else from this article, you should remember that doing your homework before moving forward is the most important part of inventing. This is one of the first pieces of advice I received from my mentor, Don Kelly, when I started talking and working with independent inventors more than 17 years ago. It still is the best advice I can pass on to an inventor. Doing your homework opens doors, not only at the USPTO, but in the marketplace as well.

Keep inventing, but do your homework!

John Calvert is the new Executive Director of the United Inventors Association. Prior to joining the UIA in 2014, John served at the US Patent Office for the past 24 years, most recently as the Senior Advisor of the Office of Innovation Development. He was also responsible for the Inventor Assistance Program, which included inventor outreach initiatives. One of his main priorities at the UIA is to meet with inventors groups across the country.

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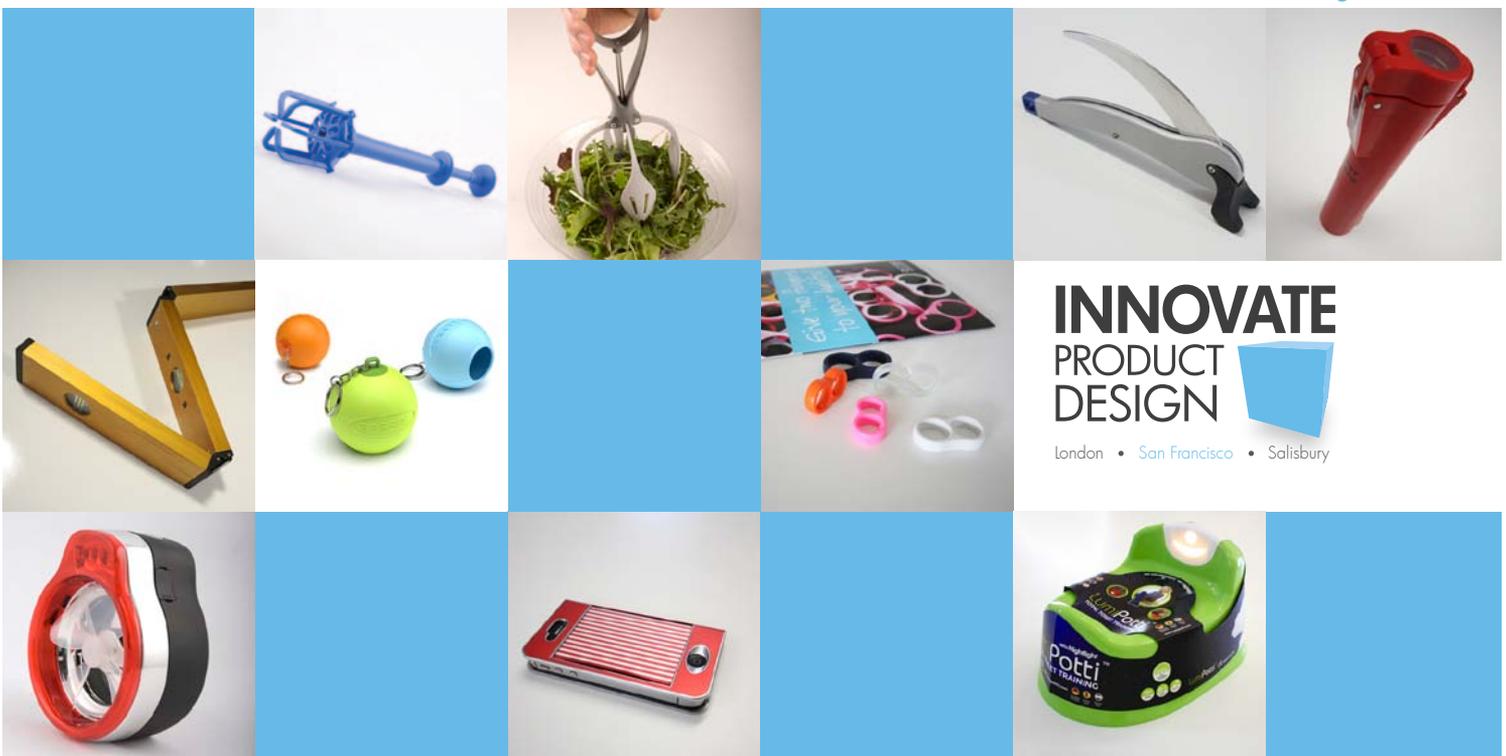
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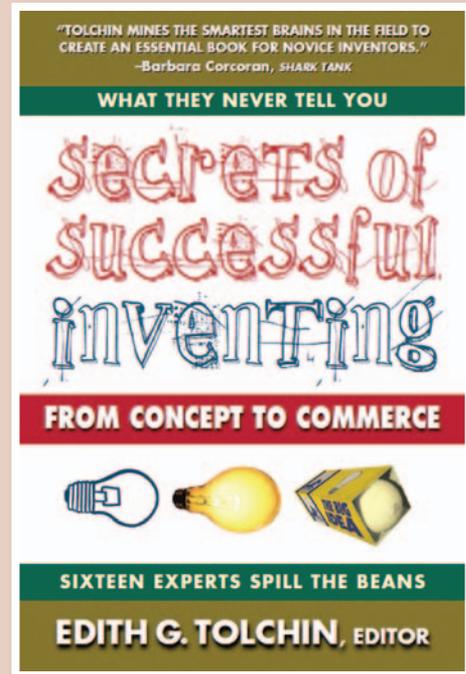
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BookShelf

BY JOHN RAU



Review of Secrets of Successful Inventing: From Concept to Commerce

Most books on the subject of inventing deal with the general steps that an inventor would go through to get his or her idea patented and into the marketplace either as a licensed product or one that the inventor chooses to manufacture, distribute and sell themselves. Many of the existing books on this subject focus on a textbook type approach wherein, if the inventor follows the indicated steps, they will succeed in getting a patented product. Whether or not the inventor makes any money from his patented idea is another issue. The general consensus is that few invention ideas ever make money in the marketplace, maybe 1-2 percent at best.

There are a variety of reasons as to why this happens, but one key reason may lie with the fact that the inventor – especially the novice inventor, didn't do it "smartly". By this I mean, the inventor didn't heed or know how to seek the advice of the "seasoned experts." They didn't make contact with those that "have been there and done that," probably making their own mistakes along the way. But eventually finding out what works and what doesn't. This book captures those "lessons learned" from sixteen individuals, many of whom have over twenty to thirty years in various aspects of the inventing business. Edie has gathered together these individuals to have them share with novice inventors what they learned in terms of how to be a successful inventor.

In this regard, I took the "where did you get these guys

approach" and asked Edie what criteria she used in selecting this outstanding collection of chapter contributors. Her answer was as follows. "I have met a lot of accomplished experts over the years. I have also met many disreputable service providers over the years. I personally have learned many lessons by working with the bad guys. "Once burned, twice shy." Needless to say, the bad guys didn't make it to this book. The final "cast" is comprised of fine, talented, reputable people I have either worked with, have connected with through industry functions, or are simply known as the good guys of this industry. I am so grateful they consented to participate in this work."

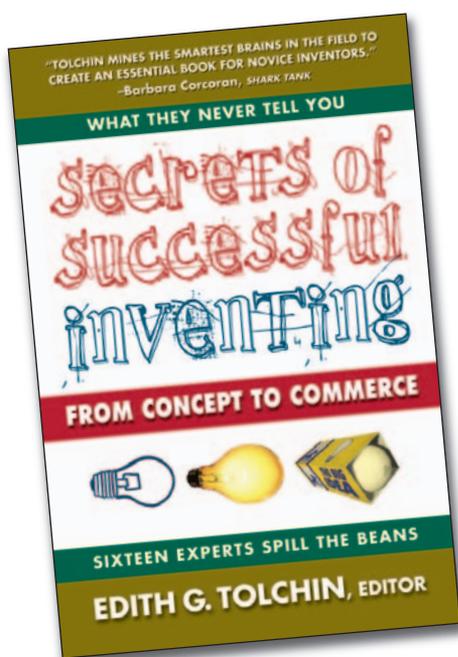
Clearly, a real positive feature of this book lies with the quality of the contributors and what they are sharing with inventors based on their many years of experience;

however, the real “stand out from the crowd” feature of the book lies with its collection of topics. How many books on the subject of inventing have you seen that discuss working with inventor clubs and organizations, intellectual property protection, filing for provisional and non-provisional patents, marketing, finding licensing candidates, negotiating licensing agreements, using the Internet to find companies that might have an interest in new invention ideas and how to conduct patent, product and industry searches? The answer is MANY. Now, suppose we take these same subjects and add a new topic such as “crowdfunding”. Now, how many books on the subject of inventing discuss all of these? Probably very few. Now, let me add some more topics such as “use of web sites and social media”, “direct response television”, “how to package your invention”, “use of sales reps”, “how to deal with retailers”, “off shore manufacturing, importing and product safety”, “use of public relations” and “the value of tradeshow”. Now, have you seen any books on the subject of inventing that address all of these topics? The answer is clearly NO. This is the “real uniqueness”

By John Rau, 20-year contributor to Inventors Digest magazine and the “Market Research Tip of the Month” guy.

of this book. These are all topics of importance that not only experienced inventors need to understand, but the novice inventors as well. In my opinion, this is the real and most significant contribution that this book brings to the “inventor community”!

As Ms. Tolchin points out in the book, the real goal of the book “is to provide you with the most current and comprehensive information on the world of inventions available”. Clearly, with the mix of topics cited above, the book couldn’t be “any more current” and she has chosen, as cited in the introduction, contributors who “are the cream of the crop in the invention industry” to share with you how to be more successful in your journey in the inventing world. Her final comments in the Conclusion section of the book really summarize it all wherein she says: “The journey that lies ahead can prove to be both exciting and rewarding. If you proceed carefully, armed with the knowledge and tools presented in this book, you can successfully turn your idea into a marketplace product”. Bon voyage!



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Interpretation of a Nondisclosure Agreement: How Much Protection Does It Provide?

Anyone involved with any type of invention, creative concept, or innovative design that is potentially valuable at some point will have to sign a nondisclosure agreement, otherwise known as an NDA. Just about any inventor who submits an idea or any type of product or creation to a corporation to determine if that company would be interested in buying or licensing the property will be asked to sign an NDA.

Anytime a discussion involves a type of proprietary technology or information that is to be shared, one or more parties will either ask or be asked to sign an NDA. NDAs are an inevitable part of the negotiation process, and if used properly, serve to protect all of the parties involved in the possible transfer or licensing of a creative or proprietary concept.

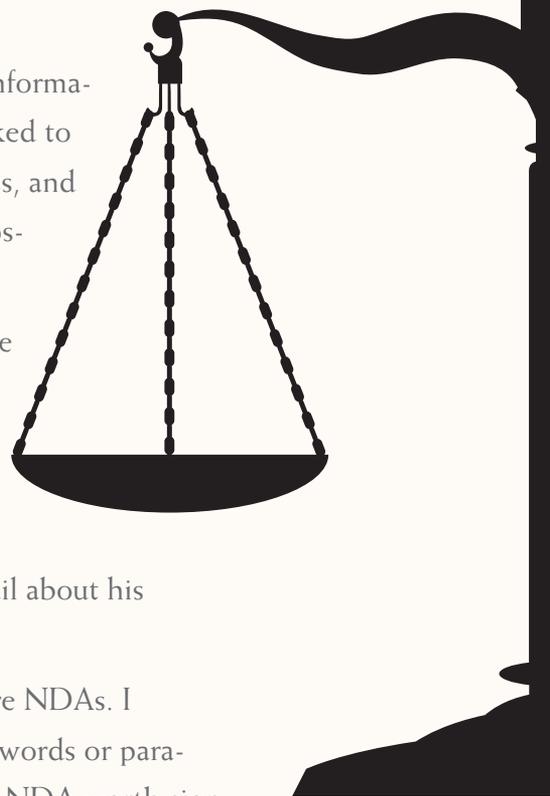
If a dispute or litigation occurs down the road, the NDA will become an integral part of the legal defense of the litigation and can be used in any number of ways. There are various types of NDAs, and these agreements can be one page or twenty pages. Regardless, the aim is simple: The NDA is a document that allows the owner of proprietary information or technology to tell the other party in detail about his or invention and explain in detail how it operates or is to be used.

Over the last half-century I have probably signed a thousand or more NDAs. I always review them carefully to make sure there is no incriminating words or paragraphs that could come back to haunt me, even years later. So, is an NDA worth signing under any and all conditions? In many cases, the inventor will not have a choice.

Proper Protection before Disclosure

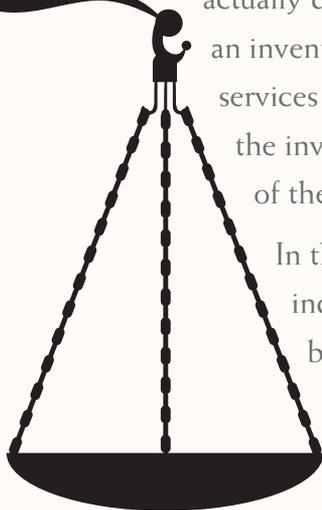
It is important to take a deeper look into the NDA and its purposes. As stated, it provides the disclosure of confidential information to one party by the other party, not to be divulged without permission. So what is the interpretation of "confidential information?" Confidential information can include proprietary information, details, drawings, etc. The other party, of course, by signing, is agreeing not to divulge the information to anyone without written permission of the other signer to the NDA.

Now that the interpretation is clear, let's take a look at what the NDA covers. During the course of negotiation, it is not uncommon for the proprietary information that is being disclosed and/or accepted to change in the process of innovation and improvement, almost always for the better. The question for both parties to the NDA then becomes: At what point does the technology leave the confines of



the NDA? Let us assume that the inventor has filed a Provisional Patent Application. In many cases, the inventor is anxious and wants to file as-soon-as possible so that the inventor neglects to incorporate specific detailed information into the application document. It is issued to the inventor with a date allowing one year for the inventor to say "My patent is filed". However, because the inventor omitted pertinent information within the application, the inventor is now confronted with questions by a company that may be interested in licensing and/or purchasing the invention.

What often happens next is that the inventor's excitement overrules logical thinking and the inventor starts divulging to the interested company the particulars of the idea being disclosed without remembering that in the Provisional Application the invention was not actually defined in detailed engineering terms. This often is the case when an inventor files his/her own application rather than pays for the advice and services of an intellectual property attorney. In the situation described here, the inventor is not protected by the signed NDA. So, what is the true value of the signed NDA?



In this hypothetical case, further down the line let's assume that the individual inventor's success has grown, but is now being challenged by a company filing an injunction that the inventor has violated its IP rights. The inventor consults an attorney, but then is shocked to learn that the provisional filing date and lack of specific details has now possibly voided the inventor's rights to the invention that was the subject of the NDA and provisional application.

Turning a provisional into a full application should be considered initially, especially if the inventor believes the technology is of potential value. The original filing date of the provisional application, which many believe to be the start date of protection, is of very little value. In the rush to file, many inventors ignore details that should have been in the provisional that would have avoided a legal dilemma down the line.

In my experience, I have seen many inventors make this avoidable mistake, and it can play out in the worst possible way. For example, an inventor believes that his/her new toy will be a big seller and researches and finds a company that is willing to take a look at the idea. The inventor, or in some cases, the inventor's attorney, contacts the company; however, the company does not want any information divulged until the inventor signs the company's NDA. This automatically voids the inventor of any future liabilities, because in most NDA's the inventor basically gives away rights to any potential legal action. However, what the inventor does not know, is that the company may have been secretly working on a very similar product for some time and may have invested a great deal of money to develop and perfect it. At the meeting with a corporate executive, there is no way to know

this, nor will the executive tell you.

So the meeting was not successful from the inventor's point of view, having failed to produce a licensing deal, but a short time later the company introduces to the market a very similar product. Many inventors in this situation immediately think: They stole my invention, never realizing that the company already was perfecting a similar invention/product. The inventor then contacts and consults with an attorney thinking all this time that a law suit against the big company will pay big dividends and compensate the inventor for the time, energy, and money spent on his invention. Ultimately, inventors in this situation do not actually have a case because they signed the NDA before the first meeting with the company. Unfortunately, I have witnessed "inventor anger" many times and saw the disheartening results of bad judgment on the part of the inventor. Falling in love with your "brain-child" is not unique among the inventor community, especially when other inventors, family members, neighbors, and coworkers offer encouragement. Inventors become so enthralled with their ideas that they lose sight of the various requirements that are necessary to achieve success to any degree, whether it be money and/or recognition.

The signed NDA suddenly becomes very important and could cost the inventor a great deal of money, time and effort, with nothing to show for it.

Conclusion

My entire premise in this brief article is to alert potential inventors as to what can and does happen continually in the big-wide-world of inventing. I am not saying that an NDA is not of value, but unless the invention/product is significantly and specifically defined within the detailed information that is being shared with the company, it really is of no value and will not protect the inventor from infringement. In conclusion, it is unwise for an inventor to totally rely on an NDA as protection from those who may steal or otherwise infringe upon the invention.

About the Author:

Lawrence J. Udell is founder and Executive Director of the California Invention Center created in 1995 at California State University. He has taught for over 40 years at universities throughout the United States and in foreign countries for WIPO (United Nations). A member of the Licensing Executives Society since 1982, he founded the Silicon Valley Chapter in 2000. Mr. Udell provides consulting to both start-ups and Fortune 500 companies, and lectures frequently at inventor, corporate, and government functions throughout the United States. He is the founder and chairman of Intellectual Property International, and Vice President of American Innovators for Patent Reform and Senior Consultant to General Patent Corporation.



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Q & A with inventor and patent attorney T.J. DeVale

The Inventz Network connection platform loves it when their experts give advice to the inventor community, especially when they have been through the process of inventing before. As we know, many inventorz jump into the pool before seeing how cold the water is. Don't make the same mistake, hear from an expert who knows.

T.J. DeVale has been a Patent Attorney at Fisher Broyles for over ten years. T.J. has been helping inventorz avoid drowning with advice and ultimately a patent to protect their inventions.

Question:

You're an inventor yourself. How does this make you more sensitive to the inventor and the inventing process?

Answer:

I realize that the inventive process is an emotional one. Inventor's ideas are their brainchildren and inventors have a real sense of ownership with their creations. Being sensitive to this is important from an attorney's perspective.

Question:

Please tell us more about your engineering background, and your experience prior to becoming an attorney.

Answer:

I have a BS in Mechanical Engineering. I started my career at a power company where I used my degree in a variety of ways including working in distribution engineering and environmental engineering. I have also worked as an engineering consultant and a sales engineer. Having a technical background is a prerequisite to applying for the Patent Bar and it is also important when discussing inventions with inventors.

Question:

What is the biggest mistake you see inventors make before they request your expertise?

Answer:

The biggest mistake inventors make is disclosing their invention to others without a non-disclosure agreement and prior to filing a patent application. Another common mistake is not evaluating the commercial viability of a product before spending a ton of money on patenting, producing and marketing a product.

Question:

What is your number one tip for inventors wanting to protect their invention?

Answer:

Keep it to yourself, evaluate the commercial viability and protect it. I know, that's three tips, but they're all important!

Question:

What are you offering the members of the Inventorz Network?

Answer:

I'm happy to give members a free telephone call to discuss the patent process in general, and answer any general legal questions regarding their invention.

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BY JACK LANDER

Once upon a time there was an aspiring writer who, quite by accident, found himself in the company of the Editor-in-Chief of a well-known publishing company. He admitted to this editor that he had not yet succeeded in selling any of his stories, and asked for a recommendation on a hot subject that was bound to interest other editors.

The editor replied that, indeed, certain themes were always appealing. Lincoln, for example, was an inexhaustible subject if a writer could find a fresh slant. Doctors were always high on the list. And pets were always attractive as subjects. And, of course, sex was of universal interest if handled properly (no pun intended).

Before parting, this Editor-in-Chief offered the writer a personal secret to his own earlier success as a writer: "Always start with a great title, and build up your story from that as a foundation."

Thanking the editor profusely, the writer sped home, his brain churning and eager to get started. In a flash, just before dawn, he came up with the perfect title: "The Sex Life of Lincoln's Doctor's Dog."

Funny or not, there are a few lessons that we inventors can take away from this fellow's miscalculation. First and foremost, writing about Lincoln. This subject has mass appeal, but it's been overdone by hundreds of writers -- some of them quite well known. Likewise, many inventors seek to invent a product having mass appeal. I often see high-tech inventions, such as new features for, and new uses for, the cell phone. But behind the scenes are hundreds of engineers and scientists working intensely to patent every conceivable variation of cell phone circuitry and application, whether such patents will result in revenue or not.

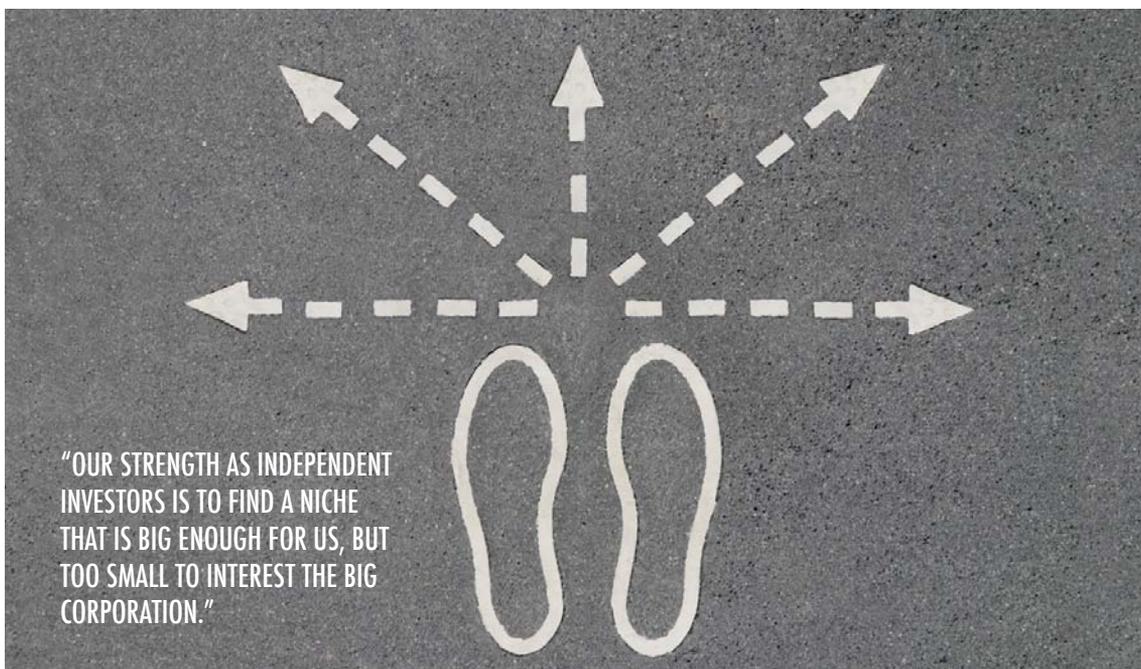
One inventor friend of mine retired a few years ago from a well-known high-tech company. She has spent several years of her career heading a group whose sole objective was to find technological alternatives to, and refinements of their own successful products. And they filed patents on their novel features and circuits in order to prevent competitors from being "first to invent" a way around their present technology.

Another friend of mine -- a true genius in his field -- submits an average of about two patent applications every week. His company is a super-giant in technology. But get this -- he envies me because I can see my ideas manifested as drawings and prototypes, and perhaps even products that the public buys. He never realizes anything tangible because so much of what he does ends up in a computer program, not in hardware. And those that do result in hardware are not likely to be prototyped. The company's objective is to build a "patent fence" around their products, thereby preventing competitors from grabbing even trivial variations that could be useful to them. My friend works in a department with many other engineers and scientists, all aiming for the same objective.

Now, to the point -- two points, actually. First, with all of those highly qualified pools of creative talent working to squeeze out every consequential, as well as inconsequential, variation of their product's applications and inner workings, the chances are slim that an independent inventor could come up with a great idea that hasn't already been thought of and covered by a patent application.

Second, the independent inventor's search of essential high-tech prior art has become too burdensome to be fully effective. Searching through potentially several hundred claims of issued patents and published patent applications is bound to be expensive -- much more than the typical cost most inventors are aware of for a kitchen gadget search. And a search is no guarantee that all prior art will be found. Patent applications are secret for 18 months, and then published (except if the filer opts for not patenting outside the U. S., in which case the application will be held as secret until issuance of the patent). But during the 18 months of secrecy, prior art may exist that will be found by the Patent Examiner, but not by the patent searcher that we hire.

The independent inventor, poaching in the province of the large high-tech company, is not to be compared with David taking on the giant, Goliath. David today faces a squad clothed in Kevlar® vests, adjusting the sights on their AK-47s. Rather than imitating the catchall tactic of Lincoln's doctor's dog's



sex life, we should aim for a specialized dog collar that fits some exotic breed of dog that has a weirdly shaped neck. In other words: Find a low-tech niche, and fill it.

Finding a niche implies that a market exists, just as finding a niche in a stonewall implies that the wall exists.

Isn't this a form of surrender to the big corporations? Not exactly. They've got their place in the innovation of products, which is the investing of profits in the very high costs of developing and marketing novel high-tech products for which customers often must be created. There is a huge difference between finding a customer and creating one. Finding a customer means that an ongoing demand exists for something similar to the new product, and that potential buyers will easily identify and understand the function and benefits of the new product without being overwhelmed with advertising, publicity and confusion. This is the kind of product we independent inventors must seek. Sufficient risk of failure is inherent in the invention of the product without taking on the enormous risk and costs of creating the customer too. Leave that risk and cost to those who can afford it. We inventors seldom can. Our strength as independent inventors is to find a niche that is big enough for us, but too small to interest the big corporation. Then, when we've made

our fortune on the small stuff, we might cautiously venture into more technical fields.

The niche principle applies to our inventions as well as to established and less novel products. Whether we hope to license or produce, the companies that consider small-volume needs and wants to be unattractive, leave ready opportunities for us inventors. However, it's easier to invent than to assure that we have a receptive market.

Suggestion: Follow the Editor-in-Chief's advice about coming up with the book title first. This translates to preparing the tagline and a draft of your sell-sheet before you invest time and money in developing your invention. That may seem like a crazy idea, but it works. If you can't create a convincing tagline in 20 words or less -- preferably less -- you will probably find that your market is not well defined, or it may not yet exist at all.

Remember the most marketable book that was never written, *The Sex Life of Lincoln's Doctor's Dog*, needed only those 8 words as its tagline.

Next issue:
Finding Your Niche



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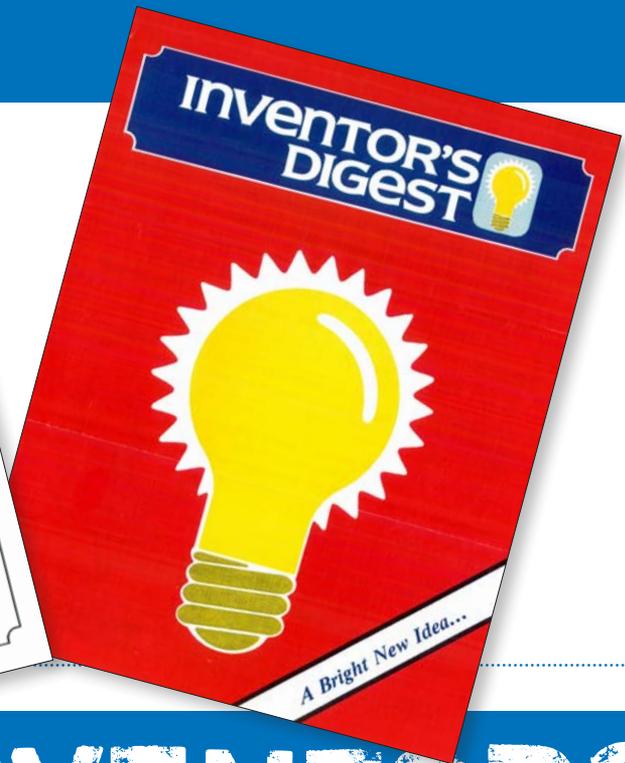
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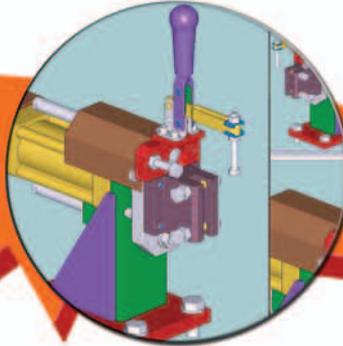
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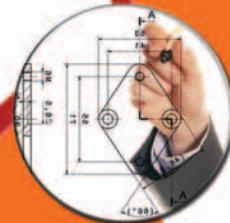
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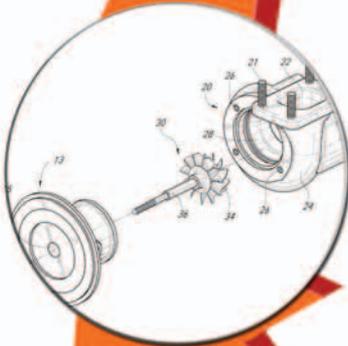


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