

Inventors

DIGEST

Tube Man Tangle
KITSCHY INVENTION
A CAUTIONARY IP TALE

A Site to Behold
DIGITAL ID REVEALS
STREAMLINED FACELIFT

**SNOOP
DOGG**

KA-BLING!

**INSIDE A STREET-SMART
L.A. JEWELRY LINE**

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"Inside the USPTO" is a resource guide for inventors from USPTO leadership. This monthly e-newsletter provides a one-stop-shop for the latest news and updates on intellectual property protection, including:

- Resources to bring your innovations to market
- Services that help navigate the patent and trademark filing processes
- Information on fee discounts and funding opportunities

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UNITED STATES
PATENT AND TRADEMARK OFFICE ®

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October 2024 Volume 40 Issue 10

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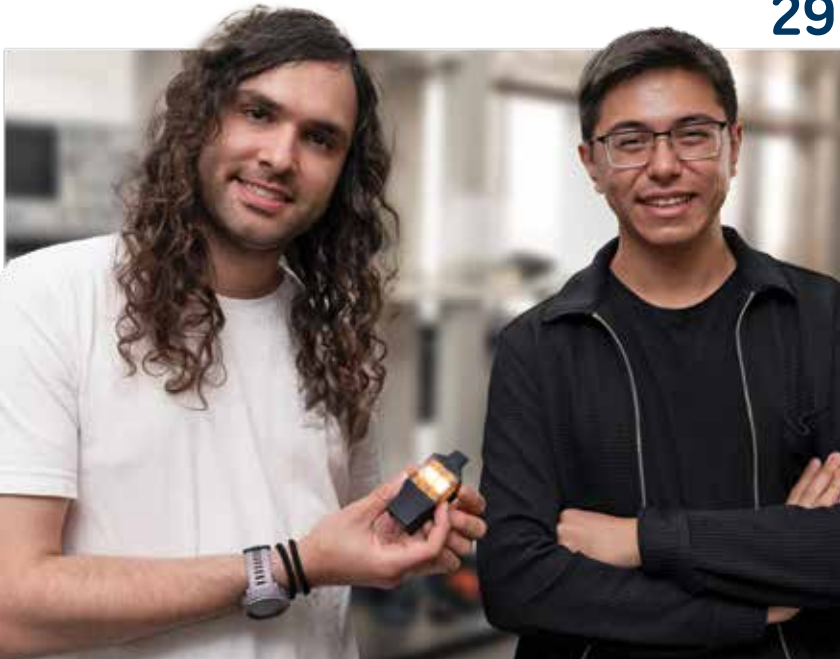
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Focus on the Fun and Fascinating

Science That Sticks

Audrey Sherman, newest USPTO Trading Card subject, has myriad technological achievements and a record-setting career as patent holder

Audrey Sherman recently became a division scientist in medical disciplines at Solventum, where she creates new technology for cutting-edge health care products. Before that, she held a similar position at 3M until 2016, a history-making 38 year span at the American multinational conglomerate. But she will never forget the importance of her childhood job as flashlight holder.

"I was my dad's best flashlight holder in the whole family," Sherman told the USPTO in a 2021 interview. When he was working on something, "I wanted to be there to hold the flashlight and watch everything that he was doing.

"So my parents just really let me be curious, and that curiosity just has never left me."

The most prolific 3M female patent holder with more than 165, Sherman was announced as the USPTO's 31st Inventor Collectable Trading Card subject during Invention-Con 2024 in mid-August. She may be best known for inventing

the adhesives on smartphone screen protectors and Command hooks used in humid and wet environments. Her patent accomplishments at 3M were even the subject of a final "Jeopardy!" question during a December 19, 2019 episode of the iconic game show.

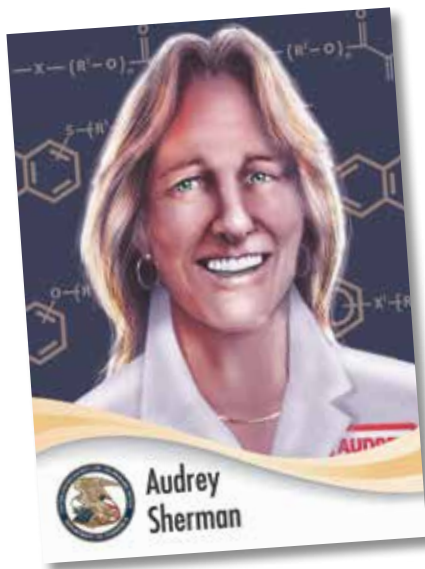
Reflecting on being featured on the newest Inventor Collectable Trading Card, Sherman said: "For me to be represented in a USPTO Inventor Trading card is larger than life because I am a product of STEM and 'See it, Be it'.

"Now having my own card gives so many children the chance to see what is possible. It makes this card a chance to pass it on!"

Her inspirational inventing journey is highlighted by dedicated collaboration, influential mentors, and her affinity for the kind of cooking that doesn't happen in a kitchen.

Her mother allowed Sherman and her younger sister to mix concoctions including soaps and shampoos in the bathroom sink—a process the future scientist called "cooking." When 3M scientist Rebecca Kreckel visited Sherman's 11th-grade chemistry class and discussed how her cooking polymers in a lab earned her enough money to buy a sports car, "That was it," she recalled.

She began her career at 3M as an intern while



NEWS FLASH

Ma Wins Prestigious U.S. Award

USPTO Director of Emerging Technology and Chief Artificial Intelligence Officer Jerry Ma has been awarded the Samuel J. Heyman Service to America Medal® for excellence in public service.

Ma's honor recognizes his leadership and dedication in advancing the use of artificial intelligence (AI) tools in the patent examination process. He and his

team have also helped shape USPTO policies to address AI's evolving role in intellectual property and innovation.

One of the AI tools he helped develop is an AI-powered search that processes thousands of searches per day. Since one patent application review may require scouring through hundreds if not thousands of documents, in many languages and



across multiple systems, this improved the complex patent examination process for more than 9,000 examiners. Read the press release: <https://bit.ly/3XjP5UH>

in high school and got her first patent after being at the company for five years.

Throttle and shift ahead decades later to a career driven full circle. Sherman's experience in developing adhesives that did not cause corrosion was the key to Lamborghini being able to produce a mirror-like film that could be used to wrap the many curves, crevices, and crannies of a vehicle.

The result was an exciting Christmas present for her and 3M cohorts: U.S. Patent No. 10,162,090, issued on December 25, 2018, for a "conformable reflective film having specified reflectivity when stretched at room temperature."

"Having my own card gives so many children the chance to see what is possible." —AUDREY SHERMAN

Sherman notes that only a couple of her patents list her as the sole assignee. "This process is all about the people and the collaboration that it takes to make these discoveries," she said in a 3M story.

Nonetheless, her ability to connect seemingly unrelated concepts is an individual triumph.

In a *Forbes* story, she explained how, after working on products in road markings at 3M before transferring to the medical division, she was able to convince doctors that skin is like pavement.

"I push analogies until they break," Sherman said. She said that just like roads, skin is exposed to heat and sun and therefore can get "old and crackly." She collaborated on a breathable, pain-free, removable medical tape that is especially helpful for diabetics.

Sherman is grateful for the mentors who have inspired and encouraged her—especially the men in a field where women are a distinct minority.

"Way back when, there was just me and all the guys, but they were like my brothers, and we helped each other. ... And they were very interested in what I wanted to do, and that's a great mentor."

Science is "not about knowing the answers. It's about finding the answers."

Requests for the USPTO trading cards can be sent to education@uspto.gov. You can also see the cards at bit.ly/3XeRVLA.

BOOyah!

USPTO's Creepy IP pays homage to this most frightening, festive time of year

Every October, the USPTO dives into the patent and trademark archives to find some eerie, spooky, and haunting examples of creepy IP, or intellectual property. This monthlong campaign—known as #CreepyIP—began in 2011 as a fun way to educate the public about the importance of intellectual property by embracing the Halloween spirit.

Not surprisingly, the USPTO's social media community loved it, and other organizations joined in on the trend.

The stats are clear: Halloween continues to grow in popularity. According to a report last year from the National Retail Federation, Halloween spending in 2023 was "expected to reach a record \$12.2 billion, exceeding [the previous] year's record of \$10.6 billion," and "a record number of people (73 percent) [would] participate in Halloween-related activities this year, up from 69 percent in 2022."

Highlighting Halloween-themed brands and inventions gives the USPTO an opportunity to make IP more approachable and exciting. It also helps social media users consider the innovation and entrepreneurship that went into the products' development.

The USPTO's posts include festive patents and trademarks for a range of items—including Halloween masks, décor, costumes, candies, and cookie cutters. They also delve into oddities such as exorcism-inspired board games, spooky clown doll design patent art, and anatomical skeletons.

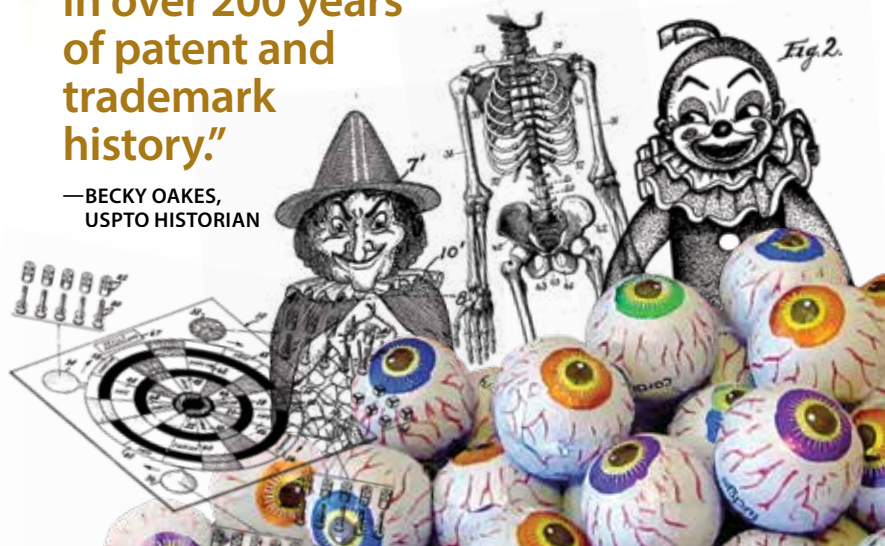
And they can't leave out the hair-raising IP from some of your favorite scary movies.

This IP education with a twist often comes with a bit of historical background. This year, USPTO historian Becky Oakes will provide creepy video overviews of patents such as the corpse preserver, poison bottle, tooth regulator, and fire escape.

If you enjoy IP with a little frightful fun, follow the USPTO @USPTO on Instagram, Facebook, and X.

"America's fascination with the spooky and strange is reflected in over 200 years of patent and trademark history."

—BECKY OAKES,
USPTO HISTORIAN



JOURNEYS OF INNOVATION

At the Heart of Invention

High school students' entry in a national invention challenge inspired a community—and the inner inventor in a future educator **BY JENNIFER MCINTOSH**

Twenty-one-year-old Katia Avila Pinedo arrived at the Chase Park Plaza Hotel in St. Louis, Missouri, excited to share her student invention journey that opened the world for her and her high school teammates.

She was speaking at the National Summer Teacher Institute, an educational program run by the USPTO. The annual program offers teachers the opportunity to learn more about invention and intellectual property, knowledge they can bring back to the classroom—and serves as an example of the transformational power of invention education.

Avila Pinedo was raised in Pomona, a working-class city of about 150,000 near the base of the San Gabriel Mountains in California. Nearly three of four residents have Hispanic or Latino origins, according to 2023 U.S. Census Bureau data.

Despite excelling overall at Garey High School, Avila Pinedo said she didn't feel very challenged. She happened upon a flyer for an invention club during her sophomore year and decided to check it out.

The Lemelson-MIT Program, a leader in invention education, offered a program that sought innovative high-schoolers to team up and create inventions to solve self-selected community problems. These "InvenTeams" would be given grant money to build a prototype of their invention and present it at EurekaFest, an event held at the Massachusetts Institute of Technology (MIT) in Boston.

The school's first invention club consisted of seven girls and one boy, representing six

countries: the United States, Guatemala, Mexico, Vietnam, Nepal, and the Philippines.

Members found that their low-income community had a very high diabetes rate and limited access to health care. The team turned to community members for a better understanding of the problem.

After pivoting from an earlier idea, the team decided to create a diagnostic tool to help diabetics monitor oxygen levels and blood flow in their feet. Eventually, their invention named "Heart and Sole" became a reality, but there were a number of challenges the team had to overcome. The high school had no coding, engineering, robotics, or other specialized STEM courses to teach students the basics.

Sensing the insecurities, science teacher Antonio Gamboa stepped in and mentored the students, telling them that what they perceived as a liability was really their superpower.

"Your background enriches you. You can always learn what they learned in school, but they can't learn what you have learned by living in this community," he said.

Taking on this challenge helped Avila Pinedo discover her inner inventor and inspired her to become an educator.

More than five years after Avila Pinedo picked up the invention club flyer, she and her Garey High School InvenTeam were awarded U.S. Patent No. 11,382,564 on July 12, 2022.

Gamboa said: "The next generation of students, as they walk into my classroom ... they see it. You can see it on their faces—it is like, this is not your average classroom. The patent matters, as you are an inventor."



With no formal training, Katia Avila Pinedo took on the technical lead role and used the internet to learn how to code and build the electrical system for her invention team's device, Heart and Sole.

For the entire story, see [uspto.gov/learning-and-resources/journeys-innovation](https://www.uspto.gov/learning-and-resources/journeys-innovation).

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Rocky Mountain Highs

USPTO Regional Outreach Office celebrates 10 years of IP productivity

On June 30, 2014, for the first time in its nearly 200 years, the patent office had a major presence west of the Mississippi River. Ten years later, the USPTO's Rocky Mountain Regional Outreach Office is still making history.

The 10-year anniversary event on August 23 celebrated the region's remarkable record of intellectual property (IP) participation that features comparatively robust activity from women inventors. The Denver event—led by Kathi Vidal, under secretary of commerce for intellectual property and director of the USPTO—included insightful talks, interactive sessions and networking.

The Rocky Mountain Office serves Colorado, Idaho, Kansas, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming. Inventors in this region have received more than 126,000 patents in the past ten years. Women inventors were named on 21 percent of the total patents, compared to about 13 percent for the United States as a whole.

Colorado led the nine-state group with over 53,000 patents and the highest percentage of patents with women inventors (23 percent).

The Centennial State also led the region in trademarks with 4,300 of its nearly 14,700 new registrations.



Helping to celebrate the 10th anniversary of the USPTO's Rocky Mountain Regional Outreach Office, from left: Randy Sasaki, ProBoPat program administrator at Mi Casa; Cyndi Bray, owner and inventor of Wad-Free; U.S. Sen. John Hickenlooper (D-Colorado); Kathi Vidal, under secretary of commerce for intellectual property and director of the USPTO; Molly Kocalski, Rocky Mountain Regional Outreach Office director, and Sirena Rolfe, founder and inventor of Tempus Hood Inc.

NEWS FLASH

NEW TTAB FUNCTIONALITY: As part of the USPTO's efforts to modernize its systems and improve customer experience, the Trademark Trial and Appeal Board (TTAB) Center open beta has been launched for filing notices of opposition. An opposition is a TTAB proceeding in which a party may challenge the registration of a trademark.

During the form's open beta period, expected to last six months, customers may file a notice of opposition using TTAB Center or the existing filing platform, the Electronic System for Trademark Trials and Appeals (ESTTA). Customers can then provide feedback on their experience and suggestions for improvements using a blue "feedback" button at ttabcenter.uspto.gov.

Visit uspto.gov/TTAB to find resources to support your transition to TTAB Center, including an informational webpage and FAQs.



WHAT'S NEXT

INTELLECTUAL PROPERTY BASICS AND HELPFUL RESOURCES:

Unfamiliar with patents, trademarks, copyrights, and trade secrets? Don't miss these opportunities to learn from USPTO experts about intellectual property (IP) basics and potential ways to protect your innovation as you transition from idea to product. Join us on October 3, November 7, or December 5 for this monthly series to help you understand how to protect your IP. Register at bit.ly/3AWgm7U.

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

Launchtime! Check Out Our New *ID* Website



As Jack Lander often does during our phone conversations, he amazed and amused me again.

The dean of *Inventors Digest* columnists—a quarter-century of educating and inspiring readers—told me he will turn 95 in January.

“I plan to live to 105,” he said, “but I’ll want an option clause.”

Jack is an essential part of that mission of educating and inspiring. He was delighted to learn that the *Inventors Digest* website (inventorsdigest.com) has a scheduled October 1 relaunch and redesign that will more prominently feature our subject-matter experts and streamline our regular content.

Now, users can just click on Articles at the top of the page for an organized page listing our SMEs’ “greatest hits” under the heading **EXPERTISE**. It’s an easier way for readers to learn, through our columnists’ firsthand experience, about the fundamentals and intricacies of inventing: its processes and strategies, its many options and challenges, its journey through the patent process.

Speaking of patents, our association with the United States Patent and Trademark Office is reflected with articles from America’s premier intellectual property agency, ranging from how-to’s to the latest policy changes to its entertaining and innovative Collectable Trading Cards.

Thanks to the tireless efforts of site designer Madi Graveline, visitors will now be greeted with the visual star of the show—our stunning covers—serving as headlines in a rotating line. Of course, some of our most memorable cover stories are there as well.

There is also a Question of the Month (and a chance to win a free 1-year subscription or extend a current subscription) to encourage more two-way dialogue with you.

The new-look site is more conducive to adding timely, “breaking” news stories. But fear not: The printed publication will still be the foundation for what we do, with some monthly features that won’t be available online—such as Inventiveness, with our crazy invention/product of the month (“What IS That?”), capsule on a talented youth inventor (“Wunderkinds”) and challenging five-question quiz (“What Do You Know?”).

The website relaunch will make information and inspiration more accessible to our readers than ever, perfectly timed on the eve of our 40th anniversary in early 2025. Thank you for helping us grow our footprint and impact, with much more to come.

—Reid
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Inventors

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CORRESPONDENCE

Editor's note: Innovation Alliance Executive Director Brian Pomper issued this statement, edited here for brevity, after the introduction of the bipartisan, bicameral Patent Eligibility Restoration Act (PERA) in the U.S. House of Representatives.

The Innovation Alliance commends Representatives Kevin Kiley (R-California) and Scott Peters (D-California) for introducing the bipartisan Patent Eligibility Restoration Act in the U.S. House of Representatives.

For nearly 150 years, Section 101 of the Patent Act was interpreted to allow inventions to be patented across broad categories of discovery. This approach supercharged American innovation and led to countless technological and medical breakthroughs in areas that could not have been imagined when Section 101 was first enacted.

Starting in 2010, however, the Supreme Court issued a series of decisions that have upended longstanding settled law, narrowed the scope of patent-eligible subject matter, and created unworkable and unpredictable exceptions to an otherwise clear statute. These decisions have created chaos in the patent world and left inventors and lower court judges uncertain about what is patentable.

Meanwhile, our foreign competitors, including China, are granting patents on many inventions

that are now unpatentable here. As a result, innovation and venture capital are being driven overseas.

The disparity in patent eligibility between the United States and our foreign competitors is particularly problematic in critical and emerging technology areas such as artificial intelligence (AI), 5G/6G, advanced computing and biotechnology, as well as medical diagnostics.

PERA would clarify categories of inventions that are eligible to receive patents, restoring needed certainty and predictability for American innovators and investors, and ensuring the United States avoids ceding leadership in key technologies to our foreign adversaries and competitors.

We urge Congress to take up and pass this important legislation as soon as possible.



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'HOT GIRL' DISPUTE ENDS IN A HOT MINUTE

Sometimes, imitation is the sincerest form of flattery. In the world of intellectual property, concept originators might feel otherwise.

When Casey Springer of Indianapolis branded a community event "Hot Girl Walk Indianapolis," the woman who created the Delaware brand "Hot Girl Walk" during the pandemic filed a trademark infringement lawsuit in July. Mia Lind created the original walk, a women's-only mental health walk that has been trademarked and commercialized through merchandise and sponsorships.

Springer claimed her event was distinct and non-commercial, designed as a free community event, and that Lind's trademark does not cover the broader concept of a group walk. The suit refocused the sometimes gray area involving the naming of community events for nonprofit purposes.

Lind's lawsuit alleged trademark infringement, business disparagement and defamation—the latter two charges raising questions as to whether it was going too far.

But this particular conflict lasted just 18 days. In fact, the time between



the legal complaint and resolution was so fast that we missed it: On August 2, Hot Girl Walk announced a "confidential settlement agreement" in U.S. District Court for the Southern District of Indiana.

Springer's event was later rebranded as "Hot Walk Indy." The group is now known as We Walk Indy.

BRIGHT IDEAS

SKYBASIC

LCD DISPLAY HD ENDOSCOPE CAMERA

amazon.com

Featuring a 4.3-inch LCD display, this easy-to-use camera allows you to view high-definition images in real-time. (Note: The borescope cannot take pictures and videos.)

This endoscope is excellent for inspection in pipes or areas not viewable by the naked eye. It is widely used in fields such as car maintenance, mechanical inspection, pipe repair, household appliance inspection, house maintenance, wall structure inspection, sewer/drain inspection and more.

Package contents include an LCD digital endoscope, user manual, USB charging cable (no charging plug), and set accessories that include a hook, magnet and side mirror. The camera retails for \$39.99.



“Engineers like to solve problems. If there are no problems handily available, they will create their own problems.” —SCOTT ADAMS

Rabbit R1

PORTABLE, VOICE-COMMAND PERSONAL ASSISTANT

rabbit.tech

Rabbit R1 is an AI device designed to prevent you from having to look for a phone app when doing routine tasks like arranging for a taxi or making restaurant reservations.

Equipped with a push-to-talk button, the R1 has a 2.88-inch touchscreen on the left side with an analog scroll wheel to the right of it. Above the scroll wheel is a camera that can rotate 360 degrees called the “Rabbit Eye,” which you can use as a selfie or rear camera and for video calls (it’s not meant to be used like a traditional smartphone).

The R1—retail price: \$199—has a 4G LTE SIM card slot for constant connectivity. It doesn’t need to pair with any other device: no plug-ins, no proxy accounts.



QicoBay P1

ONE-BUTTON FLOSSER

qicobay.com

Billed as the world's first automatic-stringing flosser, QicoBay P1 brings 21st-century technology to flossing in an environmentally sustainable way.

Housed in a 100 percent recyclable steel body, QicoBay works by retracting the Q-button to auto-restring a new piece of floss. Each floss capsule can be used 90 times. The Q-Cycle plan recycles the capsules.

The P1's auto-locking mechanism keeps floss secure with each press; its long handle provides easy access to back teeth. An external UV sanitizer and internal silver ion sterilization help ensure proper hygiene.

The flosser, which will retail for \$90, is to ship to crowd-funding backers in December.



Mola Structural Kit 4

INTUITIVE, HANDS-ON LEARNING TOOL

molamodel.com

Backed by engineers and architects from institutions including MIT and Foster + Partners, Mola is a modular construction system that realistically simulates the behavior of structures.

The Mola Structural System consists of sets and accessories that work together. Each kit is color-coded for easy identification and contains unique components for assembling various structural systems.

You can assemble, visualize and feel the structures using your hands—an approach that transforms abstract concepts into tangible learning. No technical knowledge is required. The model is compact, versatile and simple to use for professionals, students, educators and all curious minds.

Mola Structural Kit 4 has a suggested retail price of \$229.



Unfailingly Flailing

ORIGIN AND EARLY HISTORY OF TUBE MEN IS A CAUTIONARY IP TALE FOR COLLABORATORS **BY REID CREAGER**

“Wacky, waving, inflatable, arm-flailing tube man!
“Wacky, waving, inflatable, arm-flailing tube man!
“Wacky, waving, inflatable, arm-flailing tube man!”

THE ANNOUNCER Guy voice on an old bit from “Family Guy” continues: “Hi, I’m Al Harrington, president and CEO of Al Harrington’s Wacky, Waving, Inflatable, Arm-Flailing Tube Man Emporium and Warehouse! Thanks to a shipping error, I am now currently overstocked on wacky, waving, inflatable, arm-flailing tube men—and I am passing the savings on to yooooou!”

So, what is the real purpose of these kitschy, huge, colorful, goofy-looking, inflatable stick figures used outside of car dealerships and retail stores that wave and gyrate?

The answer, my friend, is blowing in the wind.

The tube man’s constant, wild movement caused by fans and/or wind is designed to attract

attention for a number of reasons. The “Family Guy” faux ad provided some legitimate and iffy uses for this spectacle, also sometimes generously referred to as air dancers or sky dancers: “Attract customers to your business! Make a splash at your next presentation! Keep Grandma company! Protect your crops! Confuse your neighbors!”

Most of these are actual uses—and tube men as scarecrows seem like a no-brainer. But they aren’t always looked upon with amusement: The City of Houston has banned them as purported visual clutter since 2010, as have some other U.S. towns and municipalities.

From an inventing and intellectual property standpoint, the origins and early years of these inflation creations are a story of collaboration, conflict and—for better or worse—how to capitalize on someone else’s idea without infringing.

A bad surprise

If you go to Google with the question, “Who invented tube men?,” the response is Doron Gazit. If you ask the exact same question on Bing, the response is Peter Minshall.

Doron Gazit (left) built the working prototypes for the tube men that Peter Minshall (right) created after being commissioned to develop art for the 1996 Summer Olympics in Atlanta—then, according to Minshall, patented the invention without telling him.

This is a story of collaboration, conflict and—for better or worse—how to capitalize on someone else’s idea without infringing.



Given the growing charges against Google that it has little respect for original concepts, this may not be a surprise.

Simply put: Tube men were created by Minshall, and Gazit built the working prototypes.

Trinidad and Tobago native Minshall, whose work from the 1970s through the 2000s challenged Carnival traditionalism, was commissioned to develop art for the 1996 Summer Olympics in Atlanta. Years later, he told the Trinidad and Tobago Guardian that he was sitting in the bleachers of the Atlanta stadium when he began drawing.

"I sketched two of the inflatable tubes and joined them at the waist, going into one tube which is the torso; divided them again at the top with the arms and a bit of a head. ... I saw two legs, two arms. I thought: 'My God, with a wind source, we could create a huge, incredible, undulating dancing figure'"—and fill a stadium with what he called "tall boys."

When he needed technical help with his drawings, the Olympic design office contacted Gazit. The Israel native, since moved to Los Angeles, was also an accomplished artist and engineer. Like Minshall, he had a background working with art pieces resembling air dancers.

The finished product was a hit. Minshall returned to Trinidad after the Olympics. According to the Guardian story, about six months later he got a call from another designer who told him Gazit was starting to manufacture the idea for profit.

"He should have called me up the moment he thought about doing that," Minshall said.

According to tentandtable.net, Gazit openly admitted that Minshall conceptualized the air dancers. Nonetheless, he sought a patent for them through his company, Air Dimensional Design, without telling Minshall. His application was approved in 2001.

Minshall considered legal action but dropped it, not wanting the hassle and expense.

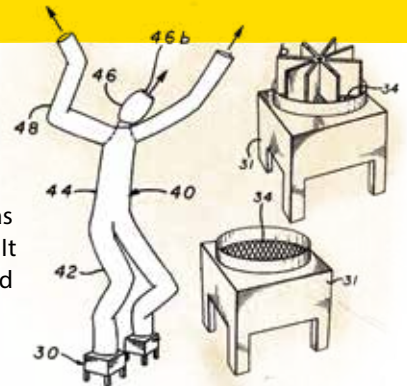
Just desserts?

Marketing the tube men and other inflatable art installations has been massively successful for Gazit's company. But he had his own IP challenges after the world saw his "fly guys" at the

PATENT PATHWAY



U.S. Patent No. 6,186,857, which lists Doron Gazit and Arie Leon Dranger as inventors and Air Dimensional Design Inc. as the assignee, was granted on February 13, 2001. It is titled "Apparatus and method for providing inflated undulating figures."



'96 Olympics, and they began popping up all over the country.

Gazit was challenged to track down infringement cases after getting legal protection for his design. His patent only described a two-legged, inflated balloon in a person's likeness—so copy-catters were able to get around that by building the one-legged model we commonly see today.

Because of their low cost, fun spirit and ease of attracting attention, tube men seem destined to be with us for a while despite detractors who say their very existence is as obnoxious as the "Family Guy" mock commercial. A young YouTube commenter summed up the latter thusly:

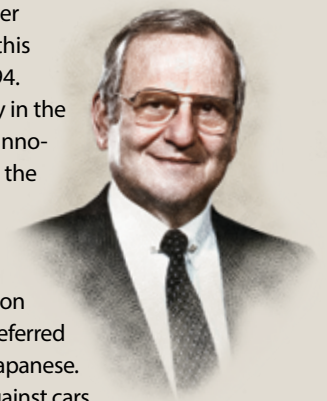
"This has lived rent-free in my head for most of my life." 🗨️

INVENTOR ARCHIVES: OCTOBER

October 15, 1924: Longtime Chrysler Corp. CEO **Lee A. Iacocca** was born on this date 100 years ago. He died in 2019 at 94.

Known for helping save the company in the 1970s, Iacocca held no patents. But his innovative methods and vision transformed the auto industry.

With the help of a partnership with Mitsubishi Motors, Iacocca put the Japanese manufacturer's diamond logo on some Chrysler cars and found people preferred the cars when they thought they were Japanese. He fought to overcome this prejudice against cars made in the United States.



The Inventor As Engineer

WHETHER ANALYTICAL OR CREATIVE, YOU CAN'T ESCAPE COMPANY POLITICS **BY JACK LANDER**

AS AN ENGINEER who has worked more than 40 years in the profession, I have had the opportunity to observe many other engineers and assess their ability to do their job.

Most were males, but I have known a few who were women. Some were born and raised here in the United States, others not. Most were college graduates, but a surprising number were hired only on their record of accomplishments. Some were highly creative, and some were analysts who examined the structures of their product to assure that each component of their product could withstand the forces and environment in which it would function.

Still another kind of engineer is a manufacturing engineer who analyzes an embryonic product or product prototype to determine the most favorable manufacturing methods, the cost of tooling up, and the estimated cost per unit of product at various manufacturing quantities.

As an inventor who might need to find a job now or in the future, you would probably love the job as a creative engineer rather than the person who determines structural parameters.



He handed the prototype to me and said, "Make this look like it is made by our company."

So, here's my point: if you must work to pay your way through school, get hired as a creative engineer.

It will help if you have a patent or two, of course. But patents are expensive.

Still, a "patent applied for" is almost as impressive as an issued patent. While in college, I was hired as a design engineer a couple of times using a resume that honestly claimed I had applied for a patent. I claimed other technical accomplishments as well.

You can write your own patent application. Affordable instruction books are available. See Amazon online, for example, to discover their titles.

Are you the blind squirrel?

Now, as an inventor myself, I suggest you never refer to yourself as an inventor.

Unfortunately, to many people the term has the stigma of a Marty McFly or Doc Brown from "Back to the Future." So, don't say "I invented." Say, "I designed the world's first balsawood-toothpick," or whatever.

OK, let's get a bit personal here. Are you really an inventor, or do you just come up with a great idea every once in a while?

The saying goes, "Even a blind squirrel finds a nut now and then." Are you the blind squirrel type, or are you the kind of inventor who rolls off your cot each morning with three inventions that came to you in your dreams?

I've had several such dreams of at least one invention. I trust that someday one of them will be useful to the world.

Seriously, if you are not an everyday inventor, don't embarrass yourself by taking a job as an engineer. And if you are very creative, hire on as a design engineer or manufacturing engineer, not as a structure analyst.

There's an old joke about the fellow who is wandering the streets of New York City. Finally, he stops someone who looks like he knows the city and asks: "Can you tell me how to get to Carnegie Hall?"

And the fellow says, "Yes. Practice, practice, practice."

You've got to practice your art of inventing regularly if you hope to be productive.

Secret planning averts crisis

Since we're discussing novel strategy for landing a job, allow me to add a few words on when

to stay with a company and when to leave. This is a personal account.

My boss called me to his office one day and handed me a prototype of a new product that had been developed and patented by a team of three fellows in California. My company had just bought or licensed their patent.

He handed the prototype to me and said, “Make this look like it is made by our company.”

This was a cosmetic job—not my specialty—but I figured I could handle it. My curiosity insisted that I open it and evaluate the essential mechanism.

I was amazed by the design. It would have failed in the field if we had made it as presented to us. But I had no authorization to redesign the mechanism, and I knew that it would be politically dangerous to criticize it due to jealousy of the vice president—who somehow managed to get at least half the credit for designing every new product we produced.

Even so, I couldn’t just forget what I had examined. So, I redesigned the mechanism on my own time and recorded my design in my lab book. (Sounds crazy, but that’s part of the love and dedication of some true inventors. We like money, too—but it’s not what we live for.)

Several months passed. One day, my boss came to me in a panic, saying: “The design from those guys in California has failed our reliability testing. We’ve got to redesign it immediately. Our PR department has already announced the launch date.”

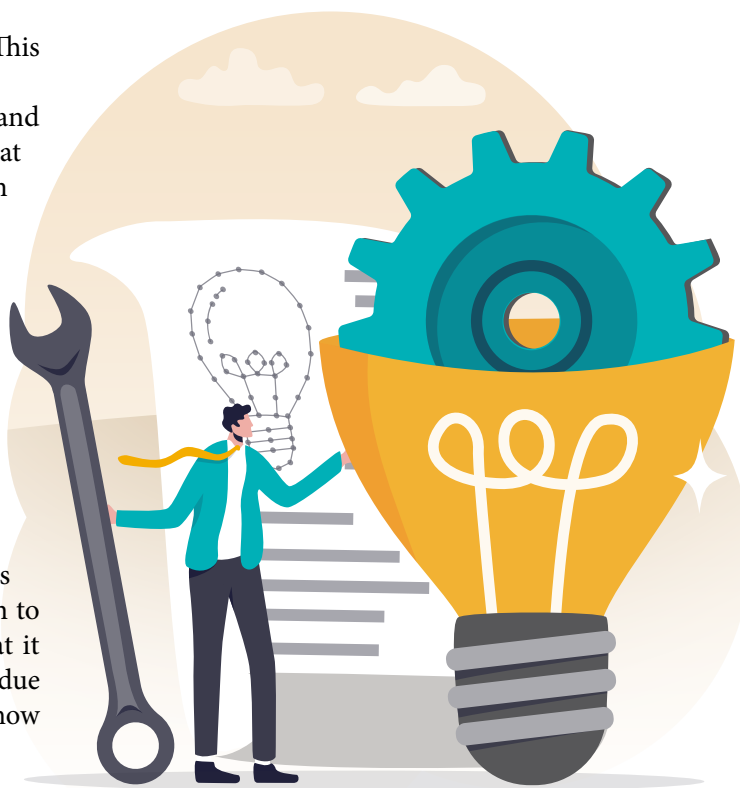
I replied, “Yes, I figured it was a dangerous design, and I redesigned it on my own time.”

My boss jumped on my words in disbelief, asking what I did with my redesign. I handed him my lab book; he calmed down a bit and studied what I had sketched and written.

Finally, in a calm yet commanding voice, he said: “Get a prototype made of this by tomorrow.”

I informed the prototype shop of the urgency. A working prototype was finished by the next evening. The analytic guys warmed up their slide rules (this was long ago, well before computers) and changed the mainspring from .010 thick to .012.

I agreed. The finished prototype passed all tests without any critical remarks.



It’s not about getting credit

I was eventually issued the patent on my design in my name only.

The VP and I never made eye contact again. I received no credit in the corporate newsletter. I figured my days of getting important future assignments had ended.

I left the company without an exit interview or even a parting pizza and beer with the gang. We were all too uneasy about a show of loyalty to the engineer who had denied the big boss his traditional piece of the action.

The point of this account is that sometimes, even when you are honest, tactful and competent, you can’t win against personalities and politics.

Don’t let an affront eat at your guts. Say farewell to those who will listen and proudly walk out through the main entrance, taking your talent with you to your next adventure. 🍷

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.



PART 1 OF 2

Making Storytelling Work for You

RELATING YOUR ACTIONS CAN HELP
INSPIRE OTHERS TO ACTION **BY ELIZABETH BREEDLOVE**



IN TODAY'S DIGITAL AGE, where attention spans are short and competition for visibility fierce, the art of storytelling has emerged as a powerful tool in social media marketing. For inventors and entrepreneurs, mastering storytelling can be the key to capturing attention, inspiring action and ultimately driving the success of their inventions.

Learn more about the role of storytelling in social media marketing, and how inventors can craft compelling narratives around their innovations to build a strong, engaged audience.

Next month, we will examine how to measure the success of your storytelling strategy.

Crafting the story

For inventors, the journey from idea to invention is often filled with challenges, breakthroughs and moments of inspiration. This journey forms the foundation of a compelling story that can captivate an audience on social media.

Here's how to craft a narrative that both highlights your invention and connects with your audience on a deeper level.

Start with the why. Every successful invention begins with a problem that needs solving. The “why” behind your invention is the driving force that led you to create something new and unique.

When crafting your story, ask yourself:

- What problem does my invention solve?
- Why is this problem important to me?
- What motivated me to find a solution?

By answering these questions, you can articulate the purpose behind your invention in a way that resonates with your audience. People are naturally drawn to stories that address real-world issues, especially if they can relate to the problem or see its impact on others.

Your “why” gives your story authenticity and makes it more than just a pitch. It becomes a narrative that your audience can understand and support.

Show the Impact. One of the most compelling aspects of a story is the difference it makes in the world. For inventors, the impact of their invention is often the heart of their story. To effectively communicate the impact of your invention and share it on social media, consider these elements:

User stories: Share real-life stories of people who have benefited from your invention. Testimonials, case studies or interviews with users can bring your story to life and provide tangible proof of your invention's value.

Before and after: Show the transformation that your invention brings. Whether it's saving time, improving health, reducing costs or enhancing quality of life, illustrating the “before and after” of your invention can be a powerful way to demonstrate impact.

Broader implications: How does your invention contribute to sustainability, offer a social good, or showcase an industry innovation? Positioning your invention within a larger context can amplify its significance and appeal to a wider audience.

By focusing on impact, you highlight the value of your invention and create a story that resonates on an emotional level. People are more likely to support and share stories they believe can make a positive difference.

Strategies for social media

Once you've crafted your story, the next step is to effectively share it on social media. These platforms offer a variety of formats and tools that can help you tell your story in engaging and creative ways. Here are possible strategies.

Leverage visual content. Visual storytelling is incredibly powerful on social media. Platforms such as Instagram, Facebook and TikTok are designed for visual content, making them ideal for showcasing your invention and telling your story through images and videos. Consider elements such as ...

Photos and infographics: Use high-quality photos to showcase your invention, its features and its impact. Infographics can also be useful for explaining complex ideas or showing data in a visually appealing way.

Videos: One of the most effective ways to tell a story, videos often perform very well on social media. Consider creating a short, documentary-style video that chronicles your journey, or use video testimonials from users to highlight the impact of your invention. Live videos are also a great way to engage with your audience in real-time and share updates or answer questions.

Behind-the-scenes content: Give your audience a glimpse behind the curtain. Share the process of building your invention, the day-to-day challenges of your business, and the interesting moments of creativity. This makes your story more personal and helps build a connection with your audience.

Engage with your audience. Storytelling on social media isn't just about broadcasting your story; it's also about engaging with your audience and inviting them to be a part of it. Social media is inherently interactive, so use this to your advantage.

Ask for feedback: Involve your followers in your journey by asking for their opinions or feedback on different aspects of your invention. This helps you improve your product and make your audience feel invested in your success.

Utilize user-generated content: Encourage your followers to share their stories about how your invention has affected them. User-generated content can be a powerful form of social proof, and it adds authenticity to your story.

Respond to comments and messages: Show that you value your audience by actively engaging with them on social media. This builds trust and strengthens the relationship between you and your audience.

Utilize storytelling formats. Different social media platforms offer unique storytelling formats that you can leverage to share your narrative.

Instagram Stories and Reels: Instagram Stories and Reels are perfect for short, engaging

Your “why” gives your story authenticity and makes it more than just a pitch. It becomes a narrative that your audience can understand and support.



snippets of your business's story. Use these formats to share quick updates, behind-the-scenes moments, or highlight key features of your invention.

Facebook and LinkedIn posts: These are ideal platforms for longer-form content. You can share detailed posts that explore different aspects of your journey, the impact of your invention, or general insights into your industry.

X threads: X is great for breaking down your story into bite-sized pieces. Use X threads to share a series of connected posts that tell a cohesive story, with each post acting as a short chapter.

YouTube: For more in-depth storytelling, YouTube allows you to publish longer videos that dive into your journey, demonstrate your invention, or share user testimonials. YouTube's optimized searchability also may help your content reach a broader audience over time.

Be consistent and authentic. These are key to successful storytelling on social media. Your audience needs to see a consistent narrative that aligns with your brand and values, and authenticity is what makes your story believable and relatable.

Maintain a consistent voice: Whether you're posting on Facebook, TikTok, Instagram, X, LinkedIn or YouTube, your voice should be

consistent across all platforms. This helps build a strong brand identity and makes your story more cohesive.

Be authentic: Authenticity builds trust, and trust is essential for building a loyal audience. Share your successes, but also be honest about your struggles and failures. This transparency makes your story more relatable and human.

Be compelling—and real

For inventors and entrepreneurs, storytelling is not just a simple marketing tactic. It's a way to connect with people on a deeper level, build a loyal following and create a lasting impact.


By crafting a compelling narrative around your invention and sharing it through social media, you can attract attention, inspire action and drive the success of your innovation.

Remember, the most effective stories are those that are authentic and relatable. Start with the "why" behind your invention, share the journey of its creation, and highlight the impact it has on the world. 🎯

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.



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Bottling Up Dugout Debris

ENGINEER'S HOLDER ATTACHES TO CHAIN LINK FENCES,
KEEPS WATER BOTTLES OFF THE GROUND **BY JEREMY LOSAW**

RYAN HENSLEY'S friend was frustrated by the disorganization he constantly saw in the dugout while coaching his son's baseball team.

"He's like, 'Man, I am sick and tired of the dugout being a mess, and these water bottles and drinks and stuff being knocked over,'" Hensley said.

Not only are the bottles an ongoing eyesore and obstacle course, they can pick up dirt and should not be shared among players. Someone had to step up to the plate.

Hensley's idea is a water bottle holder that attaches to chain link fencing, called The Fence

Buddy. Its specially designed geometry allows it to clip onto the diamond shape of the fence to provide a safe place for water bottles.

Originally designed for use on baseball fields, The Fence Buddy can be used for any sport or workplace that has a chain link fence, such as outdoor basketball or tennis courts. It fits standard water bottles, including popular brands like Stanley and Yeti, as well as disposable plastic bottles.

Made in the USA from high-strength ABS plastic, The Fence Buddy features customizable name tags that can be laser etched with team logos or names.

The Fence Buddy can be used for any sport or workplace that has a chain link fence, such as outdoor basketball or tennis courts.



Initial tests beget changes

Hensley's knack for creativity and problem-solving put him in the perfect position to help when a challenge came to his door. An engineer's engineer, he has been part of championships at Hendrick Motorsports in NASCAR, as well as designing aircraft seats and golf course tractors.

Hensley tested his designs with teams early in the development process, which helped eliminate potential mistakes.

He developed his initial design in CAD and used 3D printing to make prototypes. He let kids on his friend's baseball teams use them during their games and found some design flaws.

"We sent them out to this friend of ours, and their kids destroyed them in a day," he said. "These were 3D printed, but still they should have lasted longer than that!"

Hensley made key changes, such as thickening the walls of the cup. He also found it important to make the product stackable for ease of use by the kids, coaches and parents. He spent a lot of time making the unique geometry of the cup and the fence hook to nestle together as tightly as possible.

'Made in the USA' pride

Hensley filed a provisional patent application for The Fence Buddy but is unsure of how much further to pursue intellectual property.

A multiple patent holder who has developed technology for other companies, he never had to rationalize the financial implications of going through the filing process. He is worried that the financial burden of filing a full utility patent will be detrimental to the business and what it would cost should he have to defend the product from infringement.

The Fence Buddy is manufactured in the United States. That was a deliberate choice by Hensley, who wanted to ensure high-quality production while supporting domestic industry—even if costs were a little higher than using Asian resources.



Through a mentor's connection, he found an injection molder in Detroit who had both strong quality and pricing to make the product at scale. His molder has come through with a well-made product.

It is a strong sense of pride for Hensley to have "Made in the USA" molded into the bottom of the cups.

Ryan Hensley prioritized a well-constructed product that was made in America.

Use for spectators, too

Following this year's launch, Hensley's focus is to sell as many of the products as possible during the warm weather months of the kids' sports season. He is selling the product online via his website, has a presence on Amazon and is selling to his local baseball leagues in Cornelius, North Carolina.

Though he initially thought most sales would be to teams and coaches, he has found strong sales from parents who set up chairs behind the dugout to watch games.

Hensley also has plans to introduce new features and companion products, such as custom water bottles, that will complement the Fence Buddy system and help make sports parents' lives a little easier. ☺

Details: the-fence-buddy.com

Jeremy Losaw is a Super Fab Lab Specialist at the University of North Carolina at Charlotte. He has run innovation training sessions all over the world.



Surf's Up (On the Wall)!

NEW JERSEY COUPLE CREATES SURFING-THEMED PUZZLES AND MATERIALS FOR CREATING WALL ART **BY EDITH G. TOLCHIN**

WHAT'S BETTER than sitting down with a good, old-fashioned jigsaw puzzle during a rainy day?

Many people play the various jigsaw puzzle apps on their phones, which can be fun when you're waiting in line at the pharmacy. But here's a relaxing take on the typically rectangular-shaped, traditional jigsaw puzzle.

Jigsaw Surf Co.'s inventions are delightful, surfboard-shaped puzzles created by avid surfers Victoria and Charlie Fennell of Asbury Park, New Jersey. Everything that's necessary to create wall art with your masterpiece is included.

Edith G. Tolchin (EGT): How did this company and idea come about?

Victoria Fennell (VF): When we first came up with the idea for Jigsaw Surf Co., we were drinking coffee in our apartment on a rainy day, wondering what activity we could do since the surfing conditions were poor. We were looking for something that would be mentally stimulating but also therapeutic, which led us to open a jigsaw puzzle.

That's when it hit us: Why not add some stoke to puzzling!? And so, Jigsaw Surf Co. was formed.

EGT: When did you begin your company?

VF: We began conception and production around March 2023.

EGT: Did you start with featuring just one puzzle design, or with several? When did you launch?

VF: We launched with four different collections, with three designs in each collection for a total of 12 designs. We officially launched in September 2023.

EGT: Do you have a best-selling design?

VF: They are Aquamarine Life, which is part of our Resin Collection, and Moonrise Mountains, which is part of our Daydream Collection.

EGT: Have you had any issues or problems during product development (logistics, COVID, knockoffs, etc.)?

VF: So far, we can fortunately say we have not had any issues during development, production, or even delivery! We've been very lucky to work with a great manufacturer.

EGT: Where are you selling?

VF: In addition to our website, we wholesale to a lot of retail stores in the U.S. and a few overseas. We're mostly in shops along the east and west coast and are currently in about nine stores in Hawaii.

Three shops in South Korea just purchased for their stores, which we're stoked about! We never imagined that could be a market for us!

EGT: Have you done any crowdfunding?

VF: No, we have not done any crowdfunding. We've fortunately been able to build the business without any outside investment.

EGT: Do you have an age range for the puzzles (since children's products and toys must be safety tested)?

VF: Our recommended age range is 8 and over, due to the size of the pieces.

EGT: What is the average number of pieces per puzzle?

VF: All our puzzles are 450 pieces. They are random cut, so no two pieces are the same.

Jigsaw Surf Co. puzzles are designed to be mentally stimulating and therapeutic.



EGT: Tell us about the wax (puzzle glue) and scraper included, and their purposes.

VF: Many times, people buy a puzzle, build it, put it back in the box, and that's that. When we started Jigsaw Surf Co., we wanted to offer a puzzle that is a bit more than that—something that you can keep long term.

So, we decided to include glue with every puzzle so that when you are finished building it, you can glue it, frame it, and then hang it as wall art. We thought it would be fun to call it “surf wax” because when you're prepping to go into the water, you wax up your surfboard to keep your feet from slipping. It was just a play on words.

We spent quite a bit of time on the designs, trying to make our product as unique and fun as possible, and we hope that people find them as such.

EGT: Are you manufacturing in the United States, or overseas?

VF: They are designed in the United States and manufactured overseas.

EGT: Are your puzzles patented—and if so, were the various patents difficult to obtain for any reasons?

VF: We are currently in the process of patenting our puzzles. This is our first time patenting a product, so there has been a lot of research and learning along the way but no real roadblocks, thankfully!

EGT: Do you have any advice for inventors in the toys and games space?

VF: My advice would be to never give up. The process can be daunting and slow in the beginning but if you're truly passionate about your product and ideas, then I'm a firm believer that it will all work out. Just keep pushing and believing in yourself.



“I would do a lot of market research and ask your friends and families for their honest opinions—and more important, be receptive to them.”

—VICTORIA FENNEL

Also, be open to feedback. At the end of the day, people need to want your product, so I would do a lot of market research and ask your friends and families for their honest opinions—and more important, be receptive to them.

EGT: Do you have any new products or additions planned?

VF: We plan to add new designs this year and potentially some smaller-sized puzzles for children. 🌀

Charlie and Victoria Fennell (above left) were thrilled to learn that three shops in South Korea purchased the puzzles, which when completed can become wall art with the help of their “surf wax.”

Details: jigsawsurfco.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>).



KING OF ICE®





STREET SMART

FORMER COLLEGE ROOMMATES PARLAY INNER-CIRCLE
COOLNESS INTO HOT HIP-HOP JEWELRY BRAND

BY ALYSON DUTCH

WHAT IS it about fandom that breeds wild success? Why do huge groups of people coalesce around sports teams? Ideologies? Fashion trends?

Social scientist and human behavior expert Malcolm Gladwell attempted to explain this in his books, “The Tipping Point: How Little Things Can Make a Big Difference” and “Blink: The Power of Thinking Without Thinking,” which discussed the phenomena of groupthink and repetition of message.

How can product makers—always on the hunt for the Next Best Thing—tap into this?

In the case of Derek Belay and Cuong Diep, these two former college roommates unflinchingly spent 17 years honing an expert nose for the precise aspects of pop and subculture that make groups shiver with anticipation and buzz.

They then served up those iconic heroes, moments, symbols and shapes in iced-out jewelry covered in more stones per millimeter than Tiffany would ever dare to set into a diamond pavé piece.

Understanding the culture

As cofounders of Los Angeles-based King Ice, Ethiopia-born Belay and Vietnam native Diep hit a nerve: They were the first to develop a bona fide men’s urban bling jewelry brand. Their drip is so good that licensors from Pokémon to Sonic, Halo to Fortnite, have given them their only official jewelry rights.

King Ice is one of several businesses Belay started when he was 16. He sold African art, cars, and got into the jewelry business after a trip to the wholesale jewelry district in downtown Los Angeles. He and Diep were buying sterling silver women’s jewelry low and selling high on eBay.

“One day we noticed a vendor who had hip-hop jewelry, big crosses and Jesus pieces and thought, ‘There is something there,’” Belay said. “We understood the culture; we grew up in that environment. So we shuttered all our marketplaces, and one day in Starbucks we came up with the King Ice name.”

When asked for the inspiration of the name, Belay said “It’s pretty self-evident”—ice being

Opposite page:
King Ice cofounders
Cuong Diep (left)
and Derek Belay
(right) met Snoop
Dogg (center) at
an album listening
party in 2014.
He immediately
became a fan of the
jewelry. Above: The
King Ice Peace for
Ukraine Necklace.

The Ajna G.O.A.T. Necklace was designed for Snoop Dogg.

slang for diamonds or diamond-encrusted jewelry. Entrepreneurs who name companies to explain what they do spend less in marketing to gain reputation.

Their fantastic voyage (remember that '90s hip-hop hit by Coolio?) is based on getting to the heart of what is culturally relevant to a fan community.

They have looked long and hard for pop culture icons like the 7-11

Slurpee cup, favorite gaming characters, the Halo sword—and yes, even Snoop Dogg, for

whom they have made jewelry for more than a decade.

Most of their jewelry is launched to kingly success.

"It's a little bit of science and art," explained Belay, "and you still get it wrong. Fans are discerning, and you don't always predict correctly. But when it hits, it sells like wildfire and our inventory gets wiped out in a day."

"In the licensing world, we have discovered the importance of a deep dive into their customer base, characters and the environment in which these personalities interact. We rely heavily on our relationships with those brands to walk us through their world and the mind-set of their customers."

"It's a little bit of science and art, and you still get it wrong. ... But when it hits, it sells like wildfire and our inventory gets wiped out in a day."

—DEREK BELAY, KING ICE COFOUNDER



Best buys

Belay and Diep cite two major turning points.

In 2018, they acquired a license for Death Row Records—the famed label founded by Dr. Dre, Suge Knight, The D.O.C. and Dick Griffey that brought 2Pac (“All Eyez on Me”) and Snoop Dogg their fame. The jewelry line hit a gold vein of ’90s hip-hop fan love. Belay recalled that move with a dry laugh: “Well, that worked.”

Not every move was their best. They acquired licenses for The Powerpuff Girls, SpongeBob SquarePants and even other hip-hop record label legends like No Limit and Ruff Ryders, but “they didn’t hit as well,” Belay said with a shrug.

Though Belay handles the marketing side and Diep is the design guru, they both share a thick entrepreneurial skin. Belay explained:

“Since my first businesses as a teenager, I didn’t care about losing money or what others might call failure. My guiding star has always been, I knew I had to be right only once.

“But you have to go through all of it to get there.”

The second turning point happened in 2021, when they acquired a Sonic The Hedgehog video game series and franchise line to market. “We saw how the community reacted to something that was just perfect for them; it sold out in a matter of hours. The Halo energy swords were another big one that sold out.”

The Snoop scoop

Sometimes, pop culture moments just happen—as when Snoop Dogg attended the 2024 Olympics Summer Games in Paris and carried the torch during Opening Ceremonies.

“Before he left, he asked us to make a medal-styled pendant,” Belay said. “We chose the Eiffel Tower as a symbol of the Parisian Games.”

The custom XL piece features 14K gold and over 600 handset stones representing the Olympic colors highlighting the Olympic rings and a striking, torch-topped Eiffel Tower.

It turned out that a shiny, sapphire-studded G.O.A.T. piece they had created for him earlier drew the most attention. While Snoop

was making appearances alongside his unlikely bestie, Martha Stewart, some misidentified his G.O.A.T. pendant as a satanic Baphomet.

“In fact, that pendant was a goat head,” said Diep, who designed it—“a nod to the sports acronym, ‘greatest of all time.’”

Snoop’s Olympic appearances were one of the biggest cultural moments of the Olympics. Other stars, like gymnast Simone Biles, were wearing their own G.O.A.T. pendants.

The relationship between the hip-hop star and King Ice began at an album listening party in 2012 for the rapper The Game, who released his album “Jesus Piece” in December. Belay and Diep were tasked with gifting 100 “Jesus Piece” necklaces to partygoers, and approached Snoop.

“Snoop just happened to love it,” Belay said. “His manager reached out, and a partnership was born.”

Not everyone can get into these parties—or have the moxie to walk up to a celebrity—but the duo’s intuitive cultural comprehension led the way, and it worked.

“It just turned out that Snoop was a really sweet guy and he thought we were good people, and it clicked,” Belay said.

Catching the copycats

King Ice holds no patents but trademarks its work heavily and copyrights every design.

Belay explained that having copyrights makes it very easy when copycats are selling on marketplaces like Amazon or eBay.

“We simply send our copyrights, and the marketplace administrators take down the interloper’s pages automatically.”

Being knocked off is a backhanded compliment. But when it starts to bite into your business,



The world was watching when Snoop Dogg carried the U.S. Olympics torch at the Paris Games this summer. This Commemorative Gold Medal Necklace was designed for him.

"My guiding star has always been, I knew I had to be right only once." —DEREK BELAY

it is not so flattering. The King Ice brand is being closely watched as a trend maker.

"We don't have lawyers who search for copyright offenses," Belay said. "We take the time ourselves to Google search every week and fire off cease-and-desist letters, which usually prompt them to take down the copycat SKUs."

He said it's "not that hard to identify infringers. The competitors use the keywords on our site and steal traffic with cheaper product. So, we keep searching for the same keywords to ensure they are going to our site."

"We look for the biggest offenders, but we cannot stamp it out completely." 📱

Details: kingice.com

KING ICE

FOUNDED: 2007

LOCATION: Los Angeles

PRODUCT: Affordable cross-culture jewelry

PAST, PRESENT CELEBRITIES:

Game, Wiz Khalifa, Snoop Dogg, Mike Tyson, NLE Choppa

PARTNERSHIPS: Warner Bros.,

Paramount Global, 20th Century Fox, NBC Universal, Live Nation,

Sony PlayStation, SEGA, Bandai

Namco, Ubisoft, Epic Games,

Pokémon, and Microsoft Xbox

DID YOU KNOW? All jewelry in the 2013 Katy Perry music video for "Dark Horse" was supplied by King Ice.



Below: The Pokémon x King Ice Collection is among the many pop culture representations in the jewelry line.

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



JAMES DYSON AWARD 2024 U.S. WINNERS

2 UCLA STUDENTS WIN FOR VAPORIZER
TO HELP OVERCOME NICOTINE ADDICTION

One size fits all is not proving a successful fit for smokers. According to the U.S. Centers for Disease Control and Prevention, 50 percent to 70 percent of global smokers and vapers want to quit, but there is a need for customized methods.

Enter UCLA bioengineering students Michael Bogumil and Farid Manshali (below, left to right), inventors of Adaptive Modular Substance Treatment Analysis Device (AMSTAD) and 2024 U.S. winners of the James Dyson Award.

The U.S. National winners and runners-up from Canada and Mexico move to the next stage of the award. The international Top 20 shortlist will be announced October 16, selected by Dyson engineers, and the global winners on November 13th, chosen by James Dyson.

AMSTAD is an adaptive vaporizer to help people overcome nicotine addiction in a personalized way while tracking their progress. It targets tobacco use disorder, using machine learning and biometrics, featuring a multi-chamber system that controls nicotine dosages based on real-time user data. Integrated with IoT, it addresses both physical and behavioral aspects to reduce dependency.

AMSTAD connects to a smartphone via Bluetooth for

initial setup. The app creates a personalized profile by collecting initial data, including the user's e-cigarette flavor and nicotine concentration.

For the first two weeks, AMSTAD functions like a regular e-cigarette, allowing normal vaping behavior while gathering data on vital signs, inhalation rate, and nicotine consumption to establish a baseline. Once that baseline is set, AMSTAD gradually decreases nicotine concentration, adjusting dilutant levels to compensate for the change, while maintaining flavor concentration.

The device continuously monitors vital signs and breathing rates during each vaping session to determine whether dosage adjustments

are necessary. Haptic feedback would be provided to guide user inhalation.

User feedback and medical expert input further tailor the nicotine reduction, improving cessation outcomes. Additionally, AMSTAD's app allows users to visualize their data and gain insights.

Manshali said the team's work is far from complete.

"Winning the Dyson Award is a significant milestone that validates our vision of developing an adaptive e-cigarette to transform tobacco use disorder. This recognition drives us to refine our technology further and strengthens our resolve as we move toward our seed round, pushing us to overcome challenges and innovate continuously." 📱





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What's Hot Out There?

INVESTIGATE TRENDING CATEGORIES AND LOOK FOR HOLES TO DEVELOP YOUR INVENTION IDEA **BY DON DEBELAK**

AN INVENTOR'S first challenge—coming up with a great idea—can be simpler than you might think.

When people you know are excited about a recent purchase, investigate that category to determine whether there is a gap between what products do and what people would like the products to do.

Example: Past conversations tell me people are excited about health tracking devices and products that pamper their pets. From younger people, I hear about items such as tattoos that aren't permanent or fashion jewelry that makes a personal statement.

Toys are another hot area. The product I found intriguing is Pick-Up Bricks, a vacuum that picks up toys, designed for Lego and more.

These product trends are the targets of retailers, manufacturers and online sellers, so you will find licensing your product a much easier sell when focusing on these.

Consider these essential steps in your game plan:

Ask people what they like most about the product, and whether there are other products they are considering. This can help you learn about other new products in a hot category.

Then, ask what other products they looked at buying and why they chose the product they bought instead. Ask whether they've looked for another product but couldn't find it. Ask which stores carry the type of product they bought.

Finally, ask what they didn't like about the product.

Conducting an informal survey like this works best with a small group rather than one individual because other people will offer comments that might be helpful or have their own questions—which makes your survey a group conversation rather than an inquisition.

Quiz retailers

You now have the genesis for how to create an idea or improve on an existing one, and you need to start acquiring more information.

Go to the retail stores your interviewee(s) mentioned. See how the products are displayed, and which other products are displayed in the sale area.

Quiz the retail person about the product area: how popular it is, what sells best, and what kinds of questions people ask. Ask which types of features people ask for, and if there are features people ask for that current products don't have.

Next, conduct a search for online reviews. I did a search for online reviews for Pick-up Bricks, which produced several pages—including Amazon and Walmart site reviews.

The review search revealed that Pick-Up Bricks had made several product changes in response to customer input. These reviews had mostly positive comments, but there were negative comments in the reviews that provide a good starting point for what you might change about the product.

A last step before starting to work on what changes you could make is to check out the trade magazine/websites for the industry and see which articles it might have about the new products.

After this research, ask yourself:

Do I see a novel way to improve the product?

Am I capable of designing the solution I've come up with?

Do I have the wherewithal to bring the product to market relatively quickly to take advantage of new market trends?

If you answer yes to these questions, you have an invention idea and should begin working on it, as well as the design. 📌



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.



Run From Mythinformation

BAD DECISIONS BY INVENTORS AND ENTREPRENEURS ARE OFTEN DUE TO WRONG ASSUMPTIONS **BY WILLIAM SEIDEL**

AT THE ROOT of all failure is one common denominator: bad decisions.

Bad decisions come from bad information. And bad information comes from assumptions, free advice and no knowledge of the product, business or customer.

You can't make the right decisions with the wrong information. Bad information is everywhere, hard to recognize and impossible to avoid.

This isn't new. This comment is attributed to Mark Twain in 1897:

"If you don't read the newspaper, you are uninformed.

"If you do read the newspaper, you are misinformed."

Every article, ad and impression are meant to influence and persuade. The only news not planted are sports scores, stock prices, weather and the date.

There are hundreds of reasons ideas don't work and why startups fail.

Lack of capital, incorrect pricing, poor management, no plan, or just a bad product are common reasons—just not the principal cause.

Bad information is responsible for 80 percent of startups failing in the first five years, per the Small Business Association, and over 99 percent of new products failing. Compound this

with hearsay, unknowledgeable opinions and myths, and it is nearly impossible for the novice to succeed.

A worldwide crisis

Being misinformed is common and often innocent, inadvertent or a simple mistake. It usually comes from myths and rumors that never die.

There are many things we believe that are simply wrong. There is no dark side of the moon; it should be called the far side of the moon. Twinkies have a shelf life of 45 days—not decades, as commonly claimed. Thomas Crapper did not invent the flush toilet.

Misinformation causes people to believe the wrong information and can destroy a business, a project and friendships. Consider what misinformation can do to your credit report, medical records and insurance rates.

Unfortunately, anyone well connected can broadcast unfounded opinions and falsehoods while claiming to be an expert when they are not. Unfounded opinions are the biggest source of misinformation, leading people to the wrong conclusions and the wrong decisions.

Disinformation and malinformation are tools for fraud used to lie and deceive. They are orchestrated campaigns to spread untruths beneficial to the perpetrator.

This is a worldwide crisis. The Department of Homeland Security tried to label questionable speech as misinformation, disinformation or malinformation.

Proven in many courts, this is harmful content used to discredit reputable sources as false when the opposite is true. The term "fake news" was used to flag sensational newspaper



reports in the 1890s. The purpose is to discredit opponents, governments or businesses.

Go to trusted sources

Being uninformed can be corrected with education and trusted sources. The best sources are inside information from industry professionals who know the ropes. There are also many trusted services from universities, business incubators and the do-it-yourself Maker Movement.

Some schools are all in, like the Stanford Launchpad and the Case Western Think Box. This instruction is for all disciplines to develop and launch products and businesses. This is where inventors and wantrepreneurs get guidance from successful entrepreneurs, clarity from the sciences and humanities and collaboration from peers.

Business Incubators are enormously successful, with 87 percent of new businesses from incubators succeeding. They provide valuable planning, operational management, financial guidance from experienced professionals, and the space to experiment.

The Maker Movement is doing the same for the tinkerer, inventor, engineer and the crafter that the incubator is doing for startups.

With 1,400 makerspaces, makers add an estimated \$29 billion annually to the U.S.

economy—with millions attending over 200 Maker Faires worldwide (pre-COVID). You can get help to develop a prototype, get limited production and assistance with funding.

The emotion trap

Recognizing misinformation, disinformation and malinformation allows you to reject it.

Mental shortcuts are routinely used to understand what happens around us. Shortcuts save time and work but often result in incorrect information.

During the pandemic, the scientific process was routinely shortcut and misrepresented, costing thousands of lives.

In the Google world of today, it is pretty easy to get quick answers. This is a great shortcut tool but can also be wrong. It's the old software adage of "garbage in, garbage out."

To get quick answers, we use rules of thumb (I call them ROT). It may be a shortcut but usually incomplete and likely wrong for your specific project.

Shortcuts lead to assumptions—and you know what that means (an ASS of U and ME).

Emotional reasoning justifies or defends a conclusion we have drawn based on our emotions. Feelings are just feelings. They can lie to us and lead us to the wrong conclusions.

Bad information is responsible for 80 percent of startups failing in the first five years, per the Small Business Association, and over 99 percent of new products failing.



We want to believe that we reason out our decisions, but they are often made by our feelings: “Go with your gut!” “Trust your hunches.” “Rely on your intuition.”

It’s fine to trust your gut when it is balanced with facts and experience. For authorities and experts, their gut is better than yours because they insist on having the facts on their side.

Ignore the influences

Maintain objectivity! The primary message in my marketing classes is, “leave your opinions at the door.”

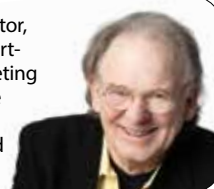
Most inventors simply can’t detach from their idea. We surround ourselves with like opinions that confirm our opinions. This is called the Confirmation Bias—the tendency to seek information that supports what we already believe. We also tend to ignore or discount messages that disprove our opinions.

Most of everything around us is meant to influence us. The beauty of the scientific method is that it’s a process for truth while discrediting what is false.

Seek the best sources for the best information. An education in the industry is valuable. Trusted sources such as universities, incubators and industry insiders can be a great help. The best is to know the customer, the competition and their strategy.

Your competition and companies with similar products are making money. You need to know what they know—a Herculean task. 🦋

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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(Your) Background Information

MISUNDERSTANDING THE ROLE OF THIS OPTIONAL PORTION IN PATENT APPLICATIONS CAN HURT YOUR CHANCES **BY GENE QUINN**

GENERALLY speaking, the first section of a patent specification will be the Background. The Manual of Patent Examination and Procedure recommends the Background be broken up into two sections: Field of Use Statement; and Background of the Prior Art. These sections are recommended, not mandatory; in fact, the Background itself is recommended and not mandatory.

The Background of the Invention is a misleading name, unfortunately, and likely why so many spend a lot of time discussing irrelevant and even extraordinarily harmful information in patent applications they draft and file.

If you are going to have a Background, it needs to be short, completely self-serving, must never actually describe the invention, and cannot ever use the term “prior art.”

Inexperienced patent practitioners and researchers tasked with creating a first draft often make the mistake of going on, page after page, in patent applications about the history of the invention and the prior art. Some popular books recommend this material be filed in patent applications, but including that type of information in an application is inappropriate.

You do not see the best lawyers at the best law firms representing the largest patent-acquiring companies write patents like that. So why should you?

Preparing that level of detailed information about the invention history and the prior art in advance of drafting, and having that at your fingertips for reference while drafting, is not a bad idea—particularly for new or inexperienced practitioners. But including such information in a filed application should be avoided because it can do nothing other than harm the applicant later. Some large companies

won't allow it, with strict word counts on the length of the Background they will allow to be filed.

The first thing patent practitioners need to understand and internalize is that a patent is NOT a business plan, and it is NOT an invention record. A business plan and a patent application play very different roles.

It is important to realize that the Background section is not actually about the invention, but rather the need for the invention as the result of the failure of other inventions to satisfy some desired functionality.

Here are some hard-and-fast rules that should virtually never be violated.

Don't describe the prior art. It is critical to remember that a patent application is about the client's invention, not the prior art.

When writing about the prior art, stay away from describing what the prior art is or does.





The Background section is not actually about the invention, but rather the need for the invention as the result of the failure of other inventions to satisfy some desired functionality.

This is a fairly common mistake inexperienced practitioners make—a mistake that some reference books and advocates actually encourage.

It is certainly appropriate to inform yourself about the prior art, and in fact, many practitioners find it useful to write up descriptions of the prior art and exactly how the client's invention differs. Generally speaking, however, that should not be included in a patent application.

The concern about discussing the prior art centers on what is called an admission. If you talk about what the prior art does, when it is necessary to engage in patent prosecution with the patent examiner, you may find it exceptionally difficult to back away from positive, descriptive statements that have previously been made.

For this reason, you should not describe what the prior art is or does; just explain in a vague way what it is lacking in the prior art. Explaining what it is lacking will, in a subtle way, demonstrate the importance of the client's invention, which is the goal.

Less is more when discussing the prior art.

Don't make comparisons. There is a great tendency among inexperienced practitioners to want to compare an invention directly with the prior art they know about. This is a huge mistake.

You want to say as little as possible about the prior art, as discussed above. Sure, you want to know what else exists, and you absolutely should describe the invention to accentuate the positive in light of the prior art that you know about, but direct comparisons with the prior art are full of danger.

The best thing to do is explain why the invention solves problems and/or is important for the relevant consumer audience. In order to accomplish this, you do not explain what else is available to consumers and why it is inferior, missing functionality or missing parts.

Remember, the focus of the application must be on the need for the client's invention. It can be extremely helpful to create a comparison chart or write text comparing the prior art you know about with the invention. It will be exceptionally helpful to have this information, and it is perfectly appropriate to ask clients to provide you with this information.

Discussing the need for the invention should take place in the Summary and Detailed Description of the Drawings. Only self-serving references to how the invention is an improvement is appropriate, and can be done without ever mentioning the prior art.

For example, consider the following simple example of how increasing RAM in a computer might improve computer performance: "This configuration offers a significant improvement because it increases startup speeds and decreases latency."

Notice how the prior art is not mentioned, and only characteristics of the improvement are discussed?

Of course, the more you know about the prior art and how the invention differs the easier it will be to describe the positive, likely patentable features of the invention.

Don't call it prior art. Although it is appropriate to describe the deficiencies of the relevant prior art—at least in cursory terms and only

to the extent that it facilitates your discussion of what is important to know about the invention—actually using the term “prior art” is not considered appropriate.

This is because if you use the term “prior art,” it will be considered to be an admission that the reference is in fact prior art for your invention.

This may seem like a small point, but during prosecution, it can come back to haunt you in a big way. And what if you are wrong and the reference was not really prior art?

Although using the term “prior art” might not be an issue too frequently, why take a chance—particularly when there is no downside to being cautious?

The same admission concern is not present for language such as: “Some attempted solutions have tried X, but this has not sufficiently addressed the needs of the industry owing to its awkwardness and fragility.”

Notice this does not say anything positive about what the prior art is or does; it doesn’t even refer to X as prior art. You merely mention vaguely why X is not sufficient for the needs of the industry.

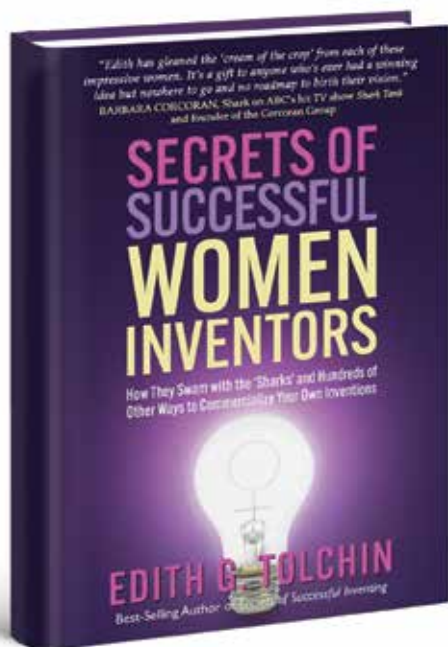
Don’t say “simple” or “easy.” Never call any aspect of the invention “simple” or “easy”. If you must characterize some aspect of the invention, it is “elegant” or “streamlined.”

If you talk about the invention as being “simple” or “easy,” you are begging the patent examiner to view it as obvious. ☹

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.



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Edie has interviewed over 100 inventors for her longtime column in *Inventors Digest* (www.edietolchin.com/portfolio). She has held a prestigious U.S. customs broker license since 2002. She has written five books, including the best-selling *Secrets of Successful Inventing* (2015), and *Fanny on Fire*, a recent finalist in the Foreword Reviews INDIE Book Awards.



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Hope for a Little Miracle

RESTORE ACT'S MAIN DIFFERENCE FROM PREVIOUS PRO-PATENT BILLS: BICAMERAL SUPPORT **BY LOUIS CARBONNEAU**

IN PREVIOUS COLUMNS, I've written about the recent IP bill brought on the floor of Congress—aptly named the RESTORE Act (Realizing Engineering, Science, and Technology Opportunities by Restoring Exclusive Patent Rights).

What a mouthful! It was formally introduced on July 30 by U.S.

Sens. Chris Coons (D-Delaware) and Tom Cotton (R-Arkansas). The House companion bill was introduced simultaneously by U.S. Reps. Nathaniel Moran (R-Texas) and Madeleine Dean (D-Pennsylvania).

So, this is a rare bipartisan, bicameral bill that would restore the presumption that courts will issue an injunction to stop patent infringers, strengthening protections for U.S. inventors, entrepreneurs, universities and startups. In short, it aims at abrogating the Supreme Court decision in the 2006 *eBay v. MercExchange* ruling that pretty much eliminated injunctions for patent cases, thus removing most of the leverage patent owners once yielded against infringers.

The proposed bill has garnered some visibility after authors expressed support in tribunes such as *The Hill* and the *Financial Times*, of all places.

I have become quite cynical of patent bills ever coming into law and am inclined to give this one the same long odds as its many predecessors. At the same time, few of those bills have been introduced in both chambers. One must wonder if perhaps, in an election year where some senators and congressmen/women look to prove to their electors why they were sent to Washington in the first place, we might see a little miracle.

Big Tech has been fiercely lobbying to protect the status quo. But if RESTORE passes, this would be the biggest game changer since the creation of the Patent Trial and Appeal Board in 2012.

Kudos to the U.S. inventors lobby that successfully advocated their case to Congress against all odds. Meanwhile, if you want an injunction in a patent case, you can always go to ... Brazil!

If RESTORE passes, this would be the biggest game changer since the creation of the Patent Trial and Appeal Board in 2012.



Big Patent Verdicts Abound

WE HAVE reported numerous times on how large patent verdicts may improve the health of the IP market—just like some large real estate transactions can suddenly boost home valuations in a given market.

In the first half of 2024, there were several large verdicts compared to the previous year—and a few new and notable awards since our last column.

In mid-July, Amazon was ordered to pay nearly \$122 million after a U.S. court found the e-commerce giant guilty of patent violations against AlmondNet, an adtech company based in New York. A few weeks later, a jury in California federal court determined that data storage giant Western Digital violated an Austrian physicist's patent rights and owes the owner of his patents more than \$262 million in damages.

On August 23, a west Texas federal jury awarded Lashify Inc., inventor of the DIY Lash Extension System, a substantial victory in a patent infringement case against Qingdao Lashbeauty Cosmetic Co. when it found the defendant had willfully infringed three of Lashify's patents. Lashify was awarded \$30.5 million in lost profits. And no one batted an eye.

Finally, Paltalk, Inc., a communications software innovator that powers multimedia social applications, announced another jury in the Western District of Texas (the "Court") had awarded the company \$65.7 million in a verdict against Cisco Systems, Inc. for infringing one of its U.S. patents via its well-known Webex platform.

However, as I have commented regularly, patent verdicts are like moods and can swing rapidly.

For instance, Western Digital has appealed the quarter-billion verdict, and there are good chances it might be reduced significantly by a United States Court of Appeals for the Federal Circuit that is well known for not liking large patent awards. (Judges apparently have something against other people getting rich!)

Meanwhile, a Delaware district court overturned a jury verdict that ordered AstraZeneca to pay Pfizer \$107.5 million for infringing on the company's cancer drug patents. The district judge ruled that the two Pfizer patents were invalid due to lack of enablement and lack of written description of the invention.



RARE SUITS

Though we are accustomed to seeing a constant flow of new patent assertion lawsuits from non-practicing entities (NPEs) that own or have acquired patents, we recently witnessed two relatively rare events that could be a harbinger of things to come.

In one case, U.S. online retail giant Amazon sued Nokia in Delaware federal court, accusing the Finnish telecom company of infringing a dozen Amazon patents related to cloud-computing technology. This was just the fourth time since 2008 that Amazon enforced its own patents, since its infamous campaign on the "OneClick" patent.

This recent case is in clear retaliation against a previous (and still pending) case in which Nokia asserted its own patents against

Amazon—in what is often referred to as "legal tit for tat" to gain leverage in negotiations.

Even more surprising was the case filed by large patent owner Qualcomm against Transsion in Munich before the Unified Patent Court, alleging infringement of patents the U.S. chipmaker acquired from HP.

We rarely see large companies that own thousands of homegrown patents assert patents they did not develop themselves. But why not?

A patent is a property right (the "public franchise" label assigned to it by the U.S. Supreme Court notwithstanding) after all, and can be transacted freely with all its attributes.

It will be interesting to see if this kind of acquisition for monetization purpose becomes more prevalent among large operating companies.





SEP Mediation, Anyone?

LATELY, numerous cases have been reported that involved two large technology companies battling over standard essential patents.

On one side, we have the innovators who have spent years and billions in R&D to develop new technologies that the whole industry can build an ecosystem around. (Think USB, Wi-Fi, 5G, etc.)

On the other side, you have the implementers (charitably recasted as "product innovators") who have a massive channel in place to ship products worldwide and want to pay as little as possible to integrate these new standardized technologies into their product line.

Because both sides are usually of equal stature, this ends up being a gorilla fight that is both costly and time consuming for both sides, as no one wants to lose face or accept a precedent that will have a ripple effect on future negotiations. Most of the time, the main issue revolves around how to calculate FRAND (fair, reasonable and nondiscriminatory) royalties.

If this sounds similar to divorce cases where the parties haggle over the amount of child

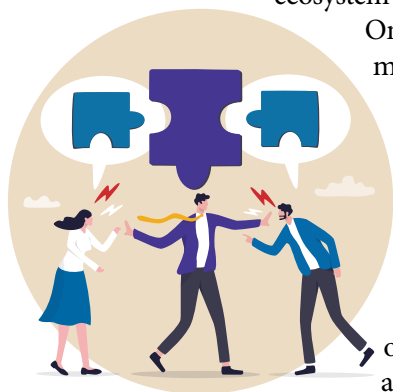
support, you are not wrong. Here enters an old tool in family law that could prove useful in resolving SEP disputes: mediation.

Recently, some experts have started providing seminars to both innovators and implementers that could bring them to the negotiation table in a more constructive setting than on the doorsteps of the courthouse. You can read a fascinating article my former colleague at Microsoft and good friend Michele Herman recently wrote that shows how this format was put to test at a recent American Intellectual Property Law Association meeting.

Let's hope this becomes a compulsory step in the near future, because SEP disputes tend to suck up a huge amount of resources from the courts, clogging the judges' dockets and contributing to longer delays before other inventors asserting their patents can get their day in court.

One just wishes that Nokia and Veriphone, which recently agreed to a broad licensing deal around their payment platform, could have

done so prior to the Finnish giant suing Veriphone in Germany. Hey, Rome wasn't built in a day after all.



Canada's IP Push

IN ITS most recent federal budget, the Canadian government announced a new Patent Box measure. The Canadian Chamber of Commerce recently published a supportive op-ed for the measure, which is worth reading. (*Editor's note: See the [Toronto Globe and Mail](#), August 18.*)

This, coupled with several other programs (IP Assist, Elevate IP, IRAP, etc.) that aim to help innovators reduce their IP-related expenditures, signals a clear will from Canada to make up for lost time and try to become an IP powerhouse—mirroring some Scandinavian countries of similar size.

As with any well-meaning policy, no good deed goes unpunished and the law of unintended consequences can surprise us. Thus, it will be interesting to see how these combined tools for innovators play out in the longer run.

NOTEWORTHY DEALS

In an encouraging trend for large IP owners, several others reported new broad licensing deals and increased revenues.

Among them, Adeia (formerly Experi) reported earning \$87.4 million in the second quarter. Licensing highlights included agreements with Panasonic, Mitsubishi Electric and a few others.

Interdigital's revenues soared 120 percent year over year on the strength of its 5G license with Google and Lenovo's extra \$55 million payment from the UK appellate court. Finally, U.S.-based Qualcomm signed a license with Chinese original equipment manufacturer Honor.

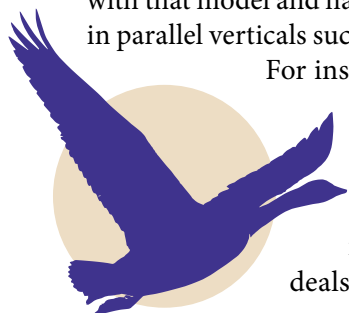


Patent Pools in Vogue

IT HAS been so difficult for small patent owners to enforce their rights individually that many have resorted to join patent pools that have the strength in numbers and can negotiate equal to equal with large implementers.

Outfits including Avanci and Sisvel have been quite successful with that model and have continued to create new vertical pools in parallel verticals such as IoT, video streaming, or automotive.

For instance, Sisvel just announced that ACER became the 23rd licensee to its Wi-Fi pool. Ironically, ACER's top IP lawyer has shared that it is itself relying on patent pools to effectuate its IP strategy instead of relying on individual licensing deals. What is good for the goose ...



AWARD IS A LUCKY 13TH

Tangible IP founder and CEO Louis Carbonneau has been named among the world's leading IP strategists by the Intellectual Asset Magazine (IAM) Strategy 300 for the 13th consecutive year.

This unique guide is a listing of individuals nominated by their peers and validated via in-depth research by a team based in London, Washington, D.C. and Hong Kong

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.



Tarkan Bastiyali

INVENTOR UPDATE

THE DECEMBER 2023 cover feature subject originally caught our attention not just with his cutting-edge inventions in New York City but with his bastiyaliinventions.com website, which prominently displays the U.S. patent numbers for each creation. They include a Moving 3D Hologram ad for the tops of public vehicles, a Smart Phone Storage Locker, Seat Sanitizer and more.

Bastiyali has since extended the hologram advertising concept to pedicabs.

"This captivating innovation brings 3D hologram ads to life, using cutting-edge LED hologram fan technology, delivering a truly immersive and realistic visual experience," he told *Inventors Digest* in September. "Encased in a water-proof glass enclosure, the system is designed to withstand inclement weather while a built-in cooling fan ensures optimal performance in hot climates.

"The pedicab's LED lighting complements the hologram perfectly, creating an eye-catching display that transforms urban advertising."

Bastiyali—named 2021 Entrepreneur/Inventor of the Year by Top 100 Registry, Inc.—is also a master builder and designer. He converted his family's building on Fifth Avenue

in Manhattan into a unique textile boutique building that was featured several times in *Home Textiles Today*.

In 2005, he opened the Midtown Loft and Terrace in New York City. The venue's two top floors have hosted events for Fortune 500 companies. Bastiyali had a one-of-a-kind, retractable, enclosed roof installed on the Terrace in 2015.





Behind the **AI Battle**

WELL-HEELED ALLEN INSTITUTE NEEDS MORE TRANSPARENCY
AS LARGE LANGUAGE MODELS VIE FOR INFLUENCE **BY BRUCE BERMAN**

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

JOCKEYING FOR position among the leading generative AI large language models (LLMs) has amplified their differences. Training models and code access are the source of some of the biggest disagreements.

Should code for generative and other forms of AI be open or proprietary, protected under copyright, trade secret or even patent?

There is a lot riding financially on the outcome, with good arguments for and against.

ChatGPT's parent, OpenAI, believes that closed code is safer and is more likely to thwart bad actors and encourage reliable development. (OpenAI's product, ChatGPT, is the least open of the LLMs). Others believe that models, such as the open one suggested by Meta, are more efficient and inclusive.

AI2's role

Enter the Allen Institute for AI, the impressive nonprofit funded at least in part by Microsoft cofounder Paul Allen's fortune. The Allen Institute for AI (AI2) believes even Meta's proposed model does not go far enough, and sharing code leads to better outcomes for everyone.

AI2 and its sister nonprofit, the Allen Institute (founded in 2003), do important work. But it is not clear where AI2's \$103 million 2022 revenue, almost all contributions, came from—possibly from some of those Microsoft shares Allen's heirs' control.

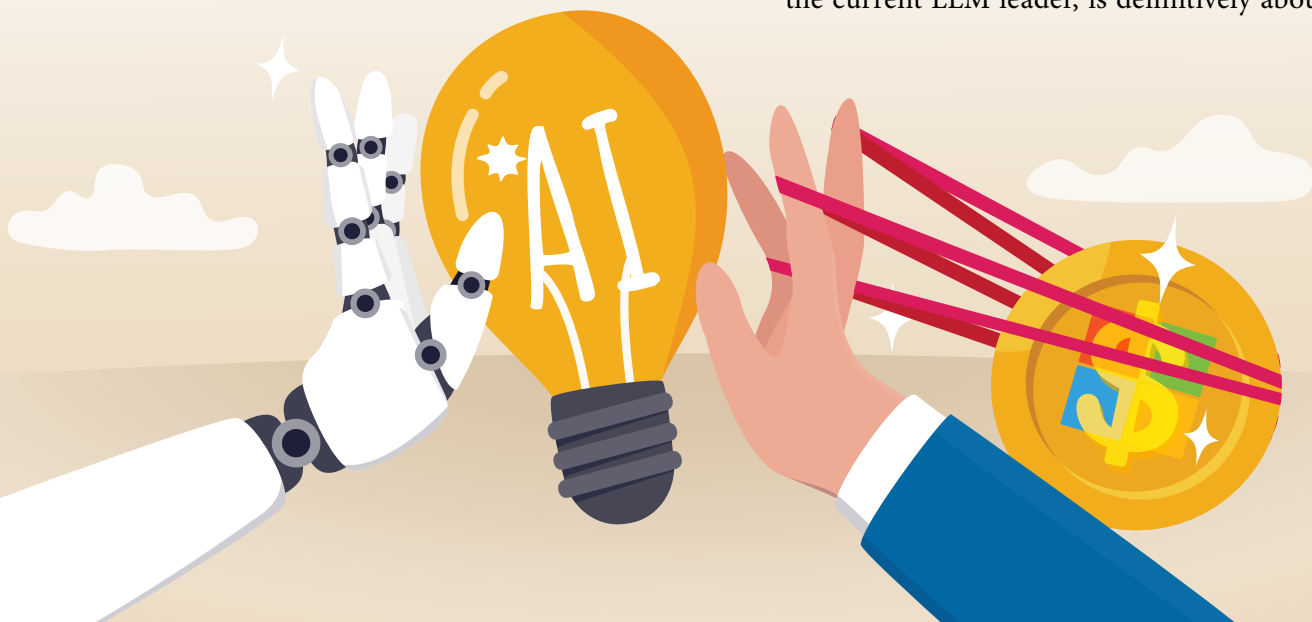
In the 1980s, Allen owned 25 percent of Microsoft. Three years before his death in 2017 from the effects of non-Hodgkin lymphoma, he still held 100 million shares (approximately 5 percent of the company) in January 2014. At the current stock price of about \$421, that is a value of about \$42 billion. Bill Gates owns approximately 103 million shares for a current value of about \$43 billion.

Former CEO and ex-Gates assistant Steve Ballmer owns the most shares of Microsoft, the second most valuable company, with a market value over \$3 trillion at this writing. His stake is about 4 percent, representing 90 percent of his \$157 billion net worth. This has made him the seventh-richest person in the world.

Jody Allen's obligation

Why am I bothering with all this?

It is because of a fundamental difference: AI2 is all fighting for open-source AI, and ChatGPT, the current LLM leader, is definitively about



closed code. Open AI also accepted a \$13 billion Microsoft investment.

Allen's primary heir, his sister Jody Allen, needs to be a bit more transparent about her ownership of Microsoft shares and how much of a part they play in funding AI2. There is a dramatic, potentially AI-defining difference in approach.

With all the double speak and positioning in this lucrative and possibly life-altering space, transparency is at a premium—and not just for data collection.

Paul Allen left the Microsoft board in 2000, citing health reasons. Had the eclectic investor and inventor broken with Microsoft's proprietary approach that emphasized copyright and other IP rights, and licensing?

Can you be a leader in open-source AI and still own billions of dollars in Microsoft shares? Sure, why not? But it does send a rather mixed message and speaks to the need for more clarity in this still quite murky IP environment.

In May 2023, AI2 announced it was developing OLMo, an open language model aiming to match the performance of other state-of-the-art language models. In February 2024, it was open sourced, including code, model weights with intermediate snapshots and logs, and contents of its Dolma training dataset—making it the most open state-of-the-art model available, according to AI2's website.

The Allen Institute, separate from AI2, is a nonprofit, bioscience research institute in Seattle. It conducts large-scale, basic science research studying the brain, cells and immune system to accelerate science and disease research. The organization practices what it calls open science and makes all its data and resources publicly available for researchers to access.

The questions are simple:

- How much Microsoft stock do Allen's heirs, the Allen Institute, family foundation, et al., own? Have they been used to fund AI2?
- If the Allen heirs own as much as \$42 billion in appreciated Microsoft shares, might these interests be seen as at odds with the company's substantial position in OpenAI (\$13 billion at last count), which sells the most used closed code LLM, ChatGPT?

Jody Allen oversees Paul Allen's estate. She is not personally listed as among the top holders of Microsoft. It is not clear if she sold some, most, or all the shares, or if they are held elsewhere.

To be fair, perhaps for the Allen heirs, it is not just about profiting from MSFT shares but using them to help the company and encourage what is in its view a healthier world through more accessible AI models. Not everyone will see it that way.

Can you be a leader in open-source AI and still own billions of dollars in Microsoft shares? Sure. But it does send a rather mixed message.

Haves and have-nots

In a perfect world, it would be OK to own massive amounts of shares of the tech giant leading the strategy you oppose. It's not a perfect world.

That said, to compete in AI infrastructure, including training and code, businesses need serious investment capital. The software, NVIDIA chips and data mining are incredibly expensive. They are areas that China's government and businesses are already investing in, whether U.S. companies are prepared to or not.

Bigger may indeed be better.

Early in the AI battle, the terrain is starting to resemble that of the early days of internet; the space already seems to be shaking out into the well-capitalized haves and nimbler have-nots.

That does not mean that important, healthy development can't be generated by different approaches. AI2 and Allen Institute do great work. It would not be wrong, however, to be more forthcoming about how the wealth of their benefactors is applied to the development of open AI. ☞

Bruce Berman is CEO of Brody Berman Associates, a management consulting and strategic communications firm he founded in 1988. He has supported 200-plus IP-focused businesses, portfolios and executives, as well as law firms and their clients.





A Google ‘Bulldoze’?

AI SOFTWARE FIRM IS LATEST TO ACCUSE SEARCH ENGINE LEADER OF TRAMPLING OVER ITS IP RIGHTS AI **BY EILEEN MCDERMOTT**

GEMINI DATA, INC., an AI software company, has sued Google, LLC in the U.S. District Court for the Northern District of California for trademark infringement, alleging that the rebranding of Google’s AI chatbot from BARD to GEMINI represents a “calculated decision to bulldoze over Gemini Data’s exclusive rights without hesitation.”

In February 2024, Google announced it was re-branding BARD to GEMINI and attempted to register the trademark with the U.S. Patent and Trademark Office. The application was refused due to a likelihood of confusion with Gemini Data’s mark, after which the complaint alleges that Google attempted to acquire rights to the GEMINI brand via an anonymous entity.

Despite the USPTO’s refusal and Gemini Data’s rejection of the offer to sell its brand rights, Google continued to use the GEMINI mark, the complaint said.

It added that the company has used the GEMINI marks in commerce since 2011 and

accuses Google of willful intent to cause confusion.

Google has reportedly filed for a three-month extension before the USPTO’s refusal of its application becomes final.

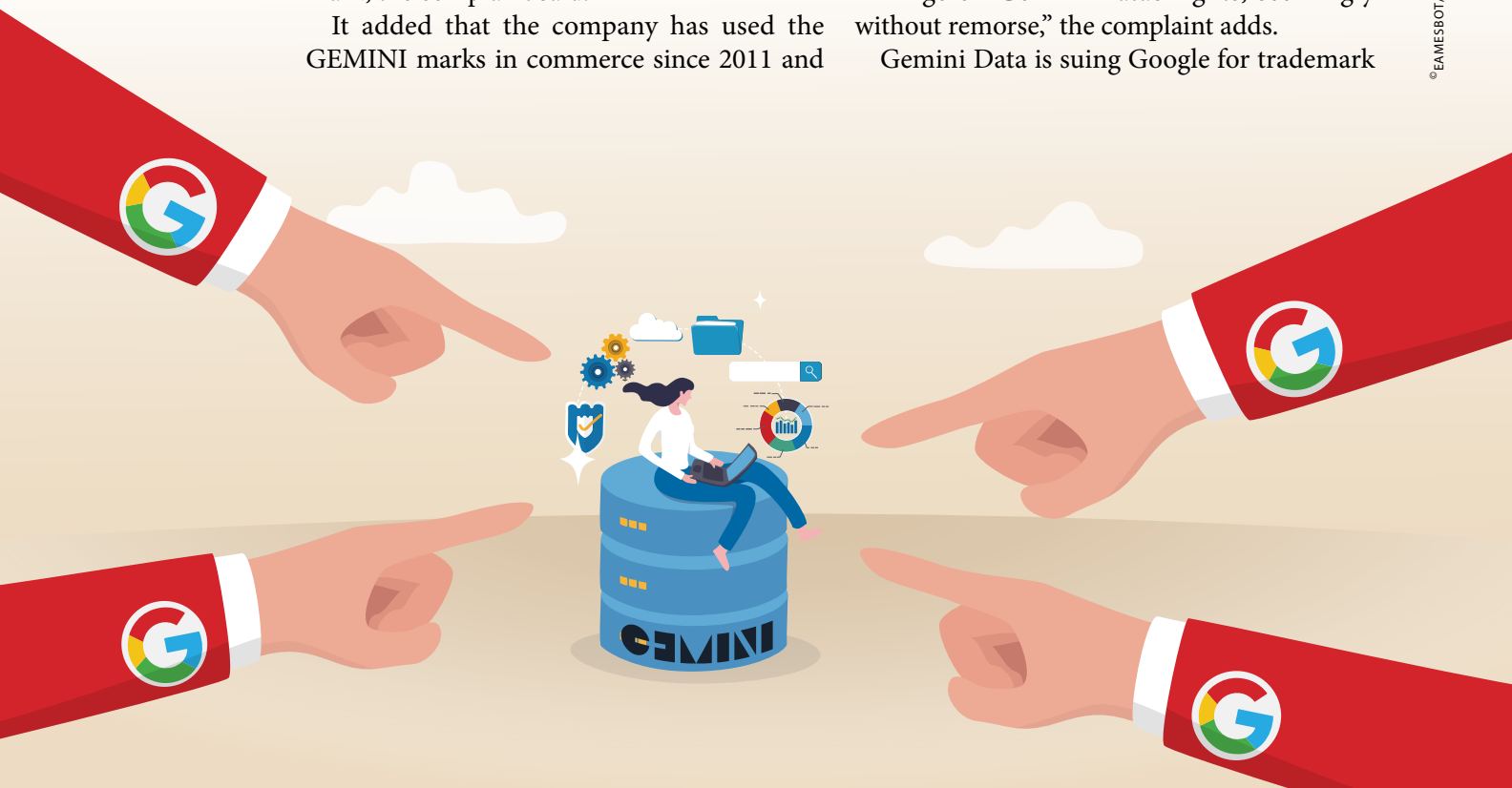
‘Without remorse’

In a footnote to the complaint, Gemini Data claims that when asked whether Google’s GEMINI knows it is infringing the Gemini Data trademark, it says yes.

“In an almost laughable example of Google’s hubris, if you ask Google’s Gemini application if it is aware that it is infringing upon the trademark of Gemini Data Inc., it responds ‘Yes’ and that ‘[i]t’s a developing situation,’” the footnote says.

“Assuming a small company like Gemini Data would not be in a position to challenge a corporate giant wielding overwhelming power, Google continues to knowingly and willfully infringe on Gemini Data’s rights, seemingly without remorse,” the complaint adds.

Gemini Data is suing Google for trademark



infringement, unfair competition, and false designation of origin, and is seeking an injunction and damages.

(Editor's note: Google had no immediate comment.)

Recent Google scoreboard

Google is fielding lawsuits on all IP fronts recently.

On September 10, the U.S. Court of Appeals for the Federal Circuit denied Google's request for rehearing and rehearing en banc for reconsideration of the court's April decision affirming an International Trade Commission final determination that said Google infringed five of Sonos Inc.'s

Gemini Data claims that when asked whether Google's GEMINI knows it is infringing the Gemini Data trademark, it says yes.

patents.

On September 9, the Department of Justice and Google made opening statements in a blockbuster antitrust case against Google that accuses it of holding a monopoly on technology that matches advertisers to publishers of online content.

In August, Judge Amit Mehta of the U.S. District Court for the District of Columbia ruled that "Google is a monopolist" and that the search engine has violated Section 2 of the Sherman Act.

In June, several major educational publishing companies sued Google in a New York district court alleging contributory and vicarious copyright infringement, trademark infringement and violations of New York's General Business Law for facilitating infringement by promoting pirate sites that sell heavily discounted versions of educational textbooks. ☎

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



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Best wishes, Jack Lander

IoT Corner

Researchers at Binghamton University in New York are developing IoT robots to operate on water. Their self-powered aquatic robot looks like a water skimmer insect; it can move across the water in a similar manner by moving its robotic legs.

The devices are powered by high-tech, bacteria-enabled biobatteries that have near-infinite battery life. This allows them to travel across the water's surface, powering the sensors and communication circuits for monitoring water conditions and pollution levels.

Because Earth is mostly made of water, this breakthrough will help add IoT capability in aquatic applications that cannot be served by terrestrial techniques. —*Jeremy Losaw*



What IS That?

The **White Castle Candle** is part of the White Castle Love Kit introduced for Valentine's Day this year. Nothing says romance like a whiff of burger grease from the griddle.

Wunderkinds

Hermen Bekele is *Time* magazine's 2024 Kid of the Year for inventing a soap that could one day treat and prevent multiple forms of skin cancer. Last October, the 3M company and Discovery Education selected Heman, 15, a rising 10th-grader at Woodson High School in Fairfax County, Virginia, as the \$25,000 winner of its Young Scientist



Challenge. He is working in a lab at the Johns Hopkins Bloomberg School of Public Health in Baltimore, hoping to bring his dream to fruition.

Get Busy!

IP Watchdog's Life Sciences Masters™ 2024 program, live and in person in Ashburn, Virginia, October 28-30, will focus on the intersection of intellectual property and the biopharmaceutical industry while exploring the law, politics and business of life sciences. Details: ipwatchdog.com/third-annual-life-sciences-masters-2024

WHAT DO YOU KNOW?

1 According to data by Zippia, patent attorneys are most in demand in America in which city?
A) Boston **B)** New York City
C) Los Angeles **D)** Washington, D.C.

2 **True or false:** For something to be a trade secret, it must meet specific legal requirements—including being valuable, not publicly known, and subject to reasonable efforts to maintain secrecy.

3 Which U.S. city has the highest average annual wage (\$119,512) for patent attorneys?
A) Boston **B)** New York City
C) Los Angeles **D)** Chicago

4 Which was invented first—Formica, or carpeting?

5 **True or false:** A provisional patent application is a quick alternative to a patent.



ANSWERS: 1. C. 2. True. It is not true that all confidential information is automatically protected as a trade secret. 3. A. 4. Formica, 1913; carpeting, thousands of years ago—often made of sheep wool or goat hair. 5. False. The USPTO needs a complete patent application before it can grant a patent.

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