

Inventors

DIGEST

A photograph of a man and a woman standing together. The man, on the left, is wearing a dark suit, a striped shirt, and a pink and blue striped tie. The woman, on the right, is wearing a blue lace dress and a watch. They are both smiling.

IP'S FIRST COUPLE

GENE AND RENÉE QUINN CELEBRATE
IPWATCHDOG'S 25TH ANNIVERSARY

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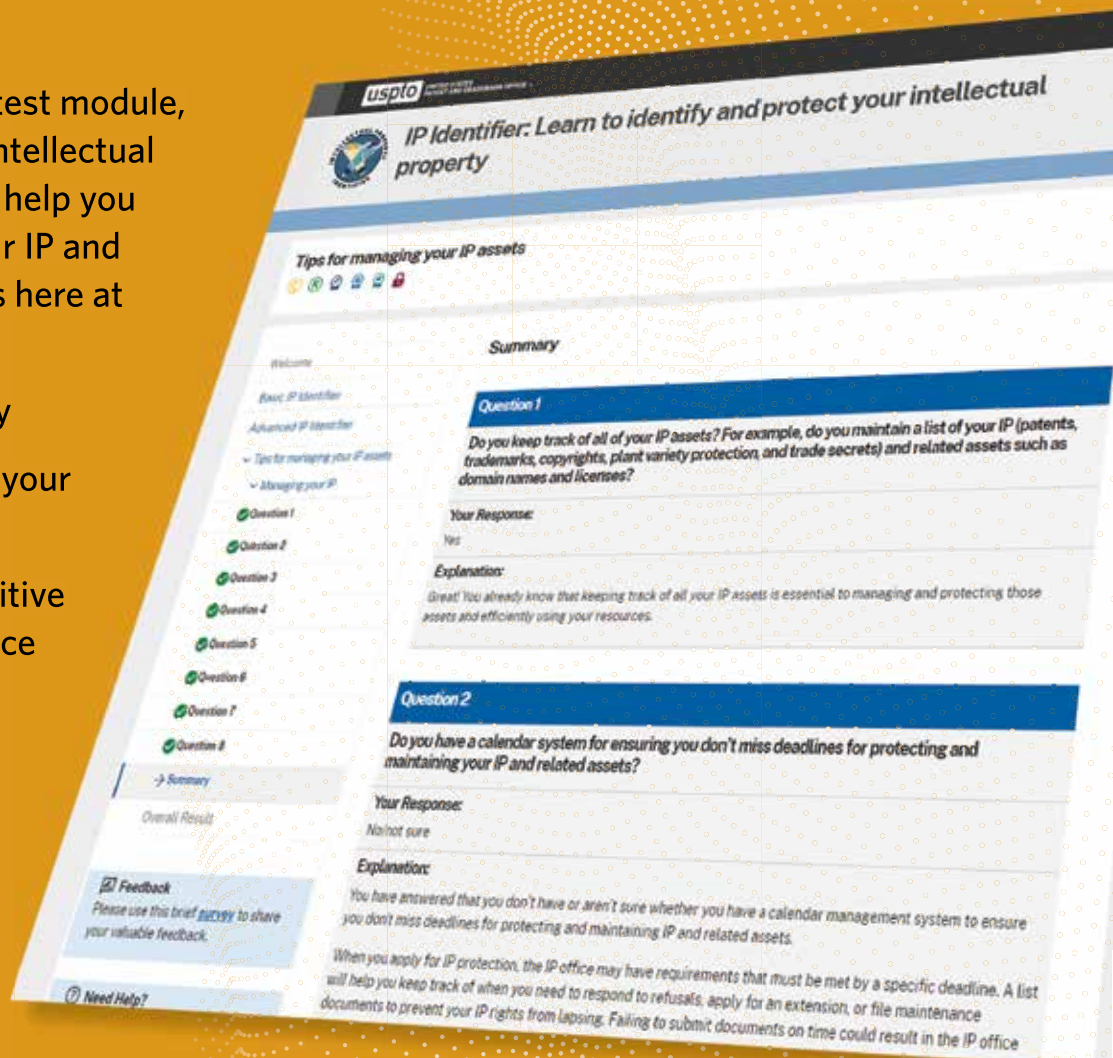
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IP IDENTIFIER

You know what kind of IP you have. Now what?

The IP Identifier tool's latest module, Tips for managing your intellectual property (IP) assets, can help you strategically manage your IP and strengthen your business here at home and abroad.

- Develop an IP strategy
- Evaluate and monitor your IP portfolio
- Enhance your competitive edge in the marketplace
- Learn the necessary steps to expand your business footprint



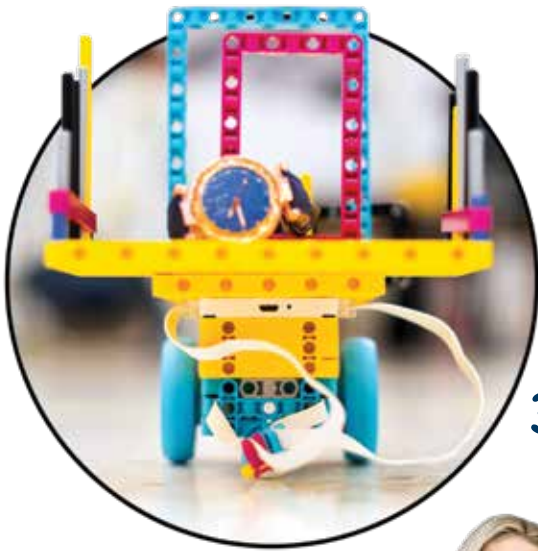
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<https://ipidentifier.uspto.gov>



UNITED STATES
PATENT AND TRADEMARK OFFICE ®

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Photo by
Lyly Photography



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Focus on the Fun and Fascinating

THANKSGIVING INNOVATION, Served Well

USPTO, Cade Museum for Creativity & Invention team up for invention education activities highlighting mealtime delights

Have you ever used a potato peeler to whip some spuds into a classic side dish? How about a cooking rack to ensure the perfect roast on your chosen bird?

If so, you have the hard work of inventors to thank for your delicious Thanksgiving feast. The USPTO wants to help celebrate and educate inventors on innovative kitchen mealtime delights in November.

Inventors make life easier in ways big and small. Whether it be an impromptu lunch or elaborate holiday spread, mealtime is no exception.

“The kitchen is the perfect place to practice Inventivity®.” —PATTY LIPKA

In food production, preservation, and safe cooking practices, Americans use patented technology in the kitchen every day. A few examples:

Martha Jones’ corn husker made preparing one of the most commonly used vegetables more convenient. Josephine Cochrane’s dishwasher helped make post-meal cleanup a breeze. Earl Tupper’s sealing containers are still used to store leftovers today.

Some of those scraps even inspired another pivotal advancement: The inventors of LASIK laser eye surgery experimented on turkey cartilage left over from a Thanksgiving meal.

The USPTO worked with the Cade Museum for Creativity & Invention to create a series of invention education activities participants can enjoy from their own kitchens.

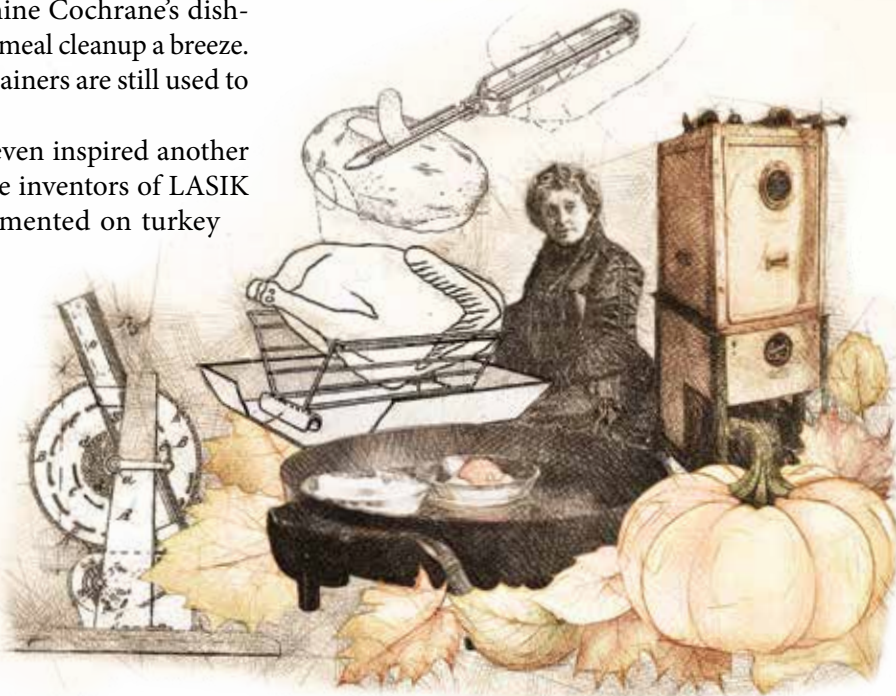
Young innovators will learn about viscosity while making Ooblek, a sticky substance with a primary ingredient of cornstarch. Patty Lipka, director of experiential education at the Cade, and Reggie Duncan from the USPTO will unlock the science behind a pop-up turkey timer and help young musicians make a kazoo out of wax paper.

Families will explore the concept of hydrophobic substances while making play clay out of a favorite dessert ingredient: cocoa.

“The kitchen is the perfect place to practice Inventivity®,” Lipka says. “We hope that this series inspires families across the country to get curious about the inventions around them and recognize that creativity and inventiveness lives inside us all.”

These free educational videos, complete with instructions to participate, will be posted on the USPTO’s YouTube channel throughout the month of November. Subscribe at [youtube.com/USPTOvideo](https://www.youtube.com/USPTOvideo) so you don’t miss a thing!

Right, clockwise from top: Ferdinand Fender’s potato peeler (U.S. Patent No. 2,232,940, February 25, 1941); Josephine Cochrane and a domestic version of her electric dishwasher, behind her (U.S. Patent No. 355,139, December 28, 1886); an experiment unlocking the science behind a pop-up turkey timer with a Ping-Pong ball; Martha Jones’ corn husker, sheller (U.S. Patent No. 77,494, May 5, 1868); and Harry Wall’s cooking rack (U.S. Patent No. 2,360,026, October 10, 1944).



PTRCs Bring Help to You

Slew of newly opening Patent and Trademark Resource Centers help innovators protect their IP

For inventors and entrepreneurs who cannot travel to get help in the early stages of protecting their intellectual property (IP), the USPTO is coming to you.

In the past year, Under Secretary of Commerce for Intellectual Property and Director of the USPTO Kathi Vidal sent letters to hundreds of libraries across the country inviting them to become Patent and Trademark Resource Centers (PTRCs). In that time, 21 new libraries have received a PTRC designation, with four grand openings being celebrated in October and November on the USPTO's Create and Innovate Tour.

Now, innovators in Maryland, Arizona, and Mississippi will have the information, access, and support they need to protect their IP and grow their business. With nearly 100 PTRCs, more communities will find IP assistance right in their backyards.

PTRCs meet innovators and entrepreneurs where they are— providing help to inventors, creators, and entrepreneurs as they take the first steps to protect their IP.

PTRC representatives cannot provide legal advice, but they can:

- Show you how to use patent and trademark search tools



© JACK FLEMING/USPTO

Celebrating the 40th anniversary of the USPTO's Patent and Trademark Resource Centers (PTRC) Program at the University of Utah's J. Willard Marriott Library, from left: Alfred Mowdood, librarian; Robert Berry, manager, USPTO PTRC Program; Kathi Vidal, director of the USPTO; and Tallie Casucci, associate librarian.

- Explain the application process
- Assist in using the USPTO's directory of patent attorneys
- Provide classes on IP (varies by location)
- Help you locate patent and trademark owner and assignee information
- Connect you to USPTO resources

Learn more about PTRCs and find a library near you at www.uspto.gov/PTRC. If you are a library administrator interested in joining the PTRC program, email PTRCP@uspto.gov.

NEWS FLASH

Learn From Invention Ambassadors

The **National Academy of Inventors (NAI)** has announced the launch of its newest program, Invention Ambassadors, created in partnership with the USPTO.

The program is composed of accomplished inventors, innovators, entrepreneurs, and commercialization experts who will take part in speaking engagements across the nation. Through these engagements, the NAI Invention Ambassadors aim to celebrate and showcase the importance of academic invention, share best practices for the innovation ecosystem, and inspire the creation of a culture of inclusive innovation.

The inaugural cohort of Invention Ambassadors are from a cross-sector of innovation fields and offer a range of perspectives, cultures, genders, and expertise. They also include NAI Fellows, Honorary Members, and champions from NAI Member Institutions who will share their unique insights.

You can learn more about the program, find a list of the inaugural Invention Ambassadors cohort, and request them for speaking opportunities at academyofinventors.org/about-invention-ambassadors.



JOURNEYS OF INNOVATION

A Brilliant Touch

Blinded by a childhood accident, Ralph Teetor went on to a legendary career in automotive engineering and inventing that included cruise control

BY MATT GRAHAM

Under the pale light of the moon they worked: racing from one end of the machine to the other, tightening bolts, checking belt tensions, and configuring wheel alignment—kicking up clouds of dust with each excited footstep.

One 12-year-old boy sprinted to the family's workshop to retrieve a tool while the other lad added fuel in preparation for the 1-cylinder automobile's maiden voyage. The cousins, both preteens, used spare parts from the family business and machined each component by hand to build the vehicle from scratch.

One boy sat in the driver's seat while the other gripped the hand crank. White knuckled, the young engineer used every muscle in his arm and chest to throw the lever into motion—one rotation and then another and another until the engine sputtered to life and the machine lurched forward.

Success.

The cousins' contraption reached 12 miles per hour, an amazing feat for kids of any age or ability but especially impressive given that one of the young engineers was blind.

Ralph Teetor's disability was the result of a childhood tragedy on March 20, 1896. According to *The Hagerstown Exponent*, the 5-year-old was playing with a knife and ended up injuring his right eye badly enough to lose sight in it permanently.

Born August 17, 1890, Ralph R. Teetor was a part of the large Teetor family that eventually settled in Hagerstown, Indiana, after immigrating from Germany in 1729. The family was known for being mechanically inclined—they are collectively named on nearly 200 patents—and ardent workers, spanning multiple generations.

The shop where the boys worked on their automobile was normally used in the day-to-day family business, the production of railway inspection cars. Initially powered manually by pedaling, the Teetors quickly transitioned to using technology that transformed their business and the American way of life.

Over about two years, Ralph was plagued with what is known as sympathetic ophthalmia, which resulted in slowly weakening vision before he ultimately lost sight in his other eye.

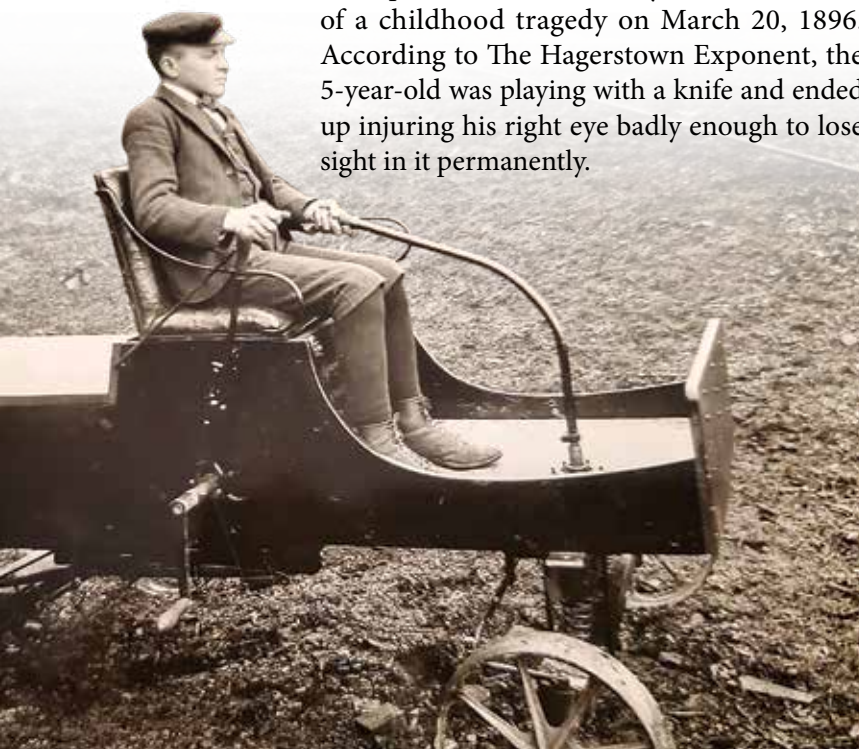
He treated this tragedy, which could have been profoundly debilitating, as a challenge to overcome. And throughout his life, his experience with blindness gave him perspectives on problem solving that led to not only exemplary work but a world-changing technology.

Ralph used and honed his other senses—particularly his audio and tactile senses—to invent, become a successful businessman, and participate in everyday activities with the determination to lead an independent, ordinary life. This resolve was exemplified in summer 1945, when he addressed a group of returning wounded World War II veterans who were also blind.

"Nothing can stop you from enjoying a normal happy life once you have made up your mind that is what you are going to have," he told them.

At 12, he was considered to be the "youngest successful electrician in the world," according to the *Cincinnati Enquirer*. In 1908, by then living without sight for nearly a decade, Ralph

Ralph Teetor learned to hone and use his other senses to invent, become a successful businessman, and participate in everyday activities—all with the determination to lead an independent, ordinary life.



His experience with blindness gave him perspectives on problem solving that led to not only exemplary work but a world-changing technology.

was credited with providing Hagerstown with its first connection to electricity. He wired his parents' home.

Ralph was awarded multiple patents beyond his family's motor company, from a fishing rod handle to a fluid actuated automatic gear shift. He even invented a new lawnmower when he couldn't find one that would cut the grass in the way he specifically wanted it cut.

However, his most famous invention was something he called the Speedostat. Today, we know it as cruise control.

The two highest honors for the prolific inventor and automotive engineering giant came after his death at age 91 on February 15, 1982. Ralph was inducted into the Automotive Hall of Fame in 1988 and into the National Inventors Hall of Fame alongside 14 other inventors in 2024.

"It was one of the most exciting experiences of our lives," grandnephew Jack Teetor said of Ralph's induction into the National Inventors Hall of Fame and the family's participation in the event. "It is almost like his life has now come full circle ... it really warmed our hearts."



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

INVENTORS WHO SERVE

This Veterans Day, November 11, check out our collection of inspiring Journeys of Invention stories featuring former members of the military who continued to serve through innovation and entrepreneurship. See www.uspto.gov/learning-and-resources/journeys-innovation/military-and-veteran-inventors.

WHAT'S NEXT

LEARN ABOUT IP BASICS: Learn about patents, trademarks, copyrights, and trade secrets from USPTO experts in the free online program "Intellectual Property Basics and Helpful Resources," November 7 and December 5 from noon to 1:30 ET. Also discover potential ways to protect your innovation as you move from idea to product.

The USPTO's Midwest Elijah J. McCoy Regional Outreach Office offers this session the first Thursday of each month. Space is limited, so register early.

For more information, email midwest@uspto.gov or call 313-446-4800. Visit bit.ly/3AWgm7U for details and the registration link.

FEDERAL TRADEMARK SEARCHING: Another free online program, this webinar will introduce you to the fundamental mechanics of using the USPTO's trademark

search system. Geared toward new users and those interested in conducting basic searches, it covers why you should search, basic search strategy, common searches, and finding help.

For details, and to register visit bit.ly/44F1Vjz.

PATH TO A PATENT: This free, online quarterly series covers subjects that include intellectual property basics, patent searching, what you'll need to draft and submit your patent application, and more. Parts 5-8, all on Thursdays from 2 to 3:30 p.m. ET, will be held on November 7, November 21, December 5, and December 12, respectively. For details, and to register visit www.uspto.gov/about-us/events/path-patent.



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

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Disaster Calls for All Kinds of Innovation



Hopefully, you are reading a copy of *Inventors Digest* that arrived at its regular time this month. How this happened was highly irregular.

Hurricane Helene hit my little town of Greenwood harder than any other county in South Carolina. My wife and I were lucky to escape any lasting property damage—two fallen 100-foot trees notwithstanding—but unlucky enough to be without power for almost nine days.

The main challenge beyond helping neighbors and my neighborhood was clearing debris from our hilly backyard by carrying it up the hill, over a very long driveway, then across the street to leave for pickup by the 2028 presidential election. All we had was a little cart so small and unsubstantial that it might as well have said Radio Flyer on its side.

I have never invented anything. But let it be known for posterity that I innovated a solution: a huge bedsheet that carried a surprising amount of heavy tree branches and limbs per trip. Qualifiers: The dragging was arduous and truly a drag, and I am sure someone thought of this before.

How to keep all refrigerated food from being ruined? *Pfff* ... no innovation for that, short of flying it to Anchorage.

As for keeping a phone charged: We went out to eat (at a restaurant that had power, of course), where I had the hostess plug it in the corner behind her. At the end of the day, my wife and I went to the Holiday Inn and sat in the lobby playing Scrabble while charging our phones for the next day. (Hotel staff didn't mind—and often asked us who was winning.) Sometimes we would charge in the car with long drives.

As with any other natural disaster, this hurricane spawned a smorgasbord of emotions ranging from sadness to fear to survivor's guilt to pride in community spirit.

Two weeks after getting our power back, I do not take for granted the ability to flip a light switch and have something happen. And I certainly don't take for granted the fact that some people hardest hit by Hurricane Helene are tasked with the ultimate innovation: rebuilding their homes and lives, or even trying to move on after the loss of loved ones.

It's always gratifying to bring this magazine to you. But there is something extra special about it this month.

Gratitude should be a more regular thing.

—Reid

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Inventors

DIGEST

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Breaking up Google?

U.S. government's possible remedy shows the extent of search engine giant's excesses

WILL THE U.S. Department of Justice turn the world's bread-and-butter search engine into so much Alphabet soup?

The DOJ said in early October that it is considering seeking the breakup of Google, after U.S. District Judge Amit Mehta ruled in August that it illegally monopolized the search market. Google has also been accused of copyright and trademark infringements, during which it has been said to bully companies that fight back in court (see the September and October issues of *Inventors Digest*).

According to major news outlets, state attorneys general and the DOJ said they are considering asking Judge Mehta to force Google to sell off parts of its business. If this happens, it would be the biggest forced breakup of a U.S. company since AT&T was dismantled in 1984.

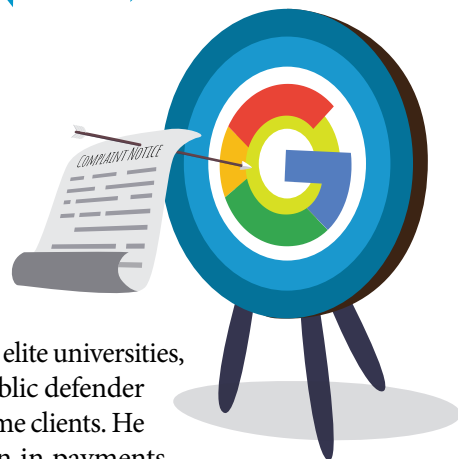
The DOJ is expected to submit a more detailed set of proposals by November 20; Google can submit its own proposed remedies by December 20. Mehta will oversee a trial set for April.

Although the India-born Mehta of the District Court of Columbia attended elite universities, he also has been a public defender attorney for low-income clients. He ruled that \$26 billion in payments

Google made to other companies to make its search engine the default option on smartphones and web browsers effectively blocked competitors from succeeding in the market.

Google has a 90 percent-plus market share among search engines. Microsoft Bing is next at just over 3 percent, according to digital marketing and training company Reliablysoft.

Google has called possible remedies against it “radical” and “sweeping.” —Reid Creager



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JUDGE, ON NIKE'S 'RECKLESS INDIFFERENCE': JUST PAY IT

In a case frequently referred to as David vs. Goliath, Nike Inc. appears to be losing badly in the court of public opinion.

According to the *Philadelphia Inquirer*, a court-ordered review concluded that Nike knowingly violated the trademark rights of Norristown, Pennsylvania-based Lontex Corp., owned by Efraim Nathan.

Nike copied Lontex's "Sweat It Out" knit garments used for athletic recovery, the report said, and the plaintiff won a federal jury verdict in 2021

for trademark infringement. Nike appealed the decision, particularly the legal fees awarded to Lontex's lawyers.

Jane Cutler Greenspan, a retired Pennsylvania Supreme Court justice, recommended Nike pay millions in legal fees to Lontex's attorneys—rare in a civil trademark case. Her report highlighted Nike's "reckless indifference," claiming Nike attempted to bury Lontex in expensive litigation to deter it from pursuing the case.

"In the world of sports apparel, with the same customer base, Nathan's

trademark was an edge that Nike did not see fit to respect," she added.

Nathan continues to produce his high-quality garments, with NFL and NHL teams among his customers, but struggles to compete with Nike's large-scale production and exclusive contracts with professional teams, the report said.



BRIGHT IDEAS

Ekster Parliament

PUSH-BUTTON CARD ACCESS WALLET

ekster.com

Ekster features instant card access at the click of a button—an ejecting mechanism that fans out your cards for quick and easy access, and storing at least 10 cards in total. The built-in aluminum cardholder stores four to six cards, depending on the number of embossed cards.

As with many current wallets, Ekster has integrated RFID blocking technology that protects your cards from skimmers. The wallet is made from premium top-grain leather, tanned under gold-rated, LWG-certified protocols, and 6063 T5 Aluminum, anodized in space grey.

A tracker card is sold separately that lets you ring it from your phone and see where you last had the wallet.

The wallet retails for \$89.



OXO

SWEEP-AND-SWIPE LAPTOP CLEANER

oxo.com

A two-way cleaner, this double-sided, combination brush and pad cleans keyboards and computer screens/smartphones.

The microfiber pad removes fingertips and smudges from screens and surfaces; the brush sweeps off dust and dirt. A retractable brush and storage cover keep both ends protected when not in use. The handle provides a comfortable and secure grip for easier cleaning.

One user suggested that for best results with the orange side, lightly dampen it with water before using it on the screen. Another said the OXO doubles as a good fidget toy.

OXO sells for \$11.99.



Rak-O

2-IN-ONE RAKE AND MORE

rak-o.com

The Rak-O melds the functionalities of a hula hoe, a retractable rake, and more into one.

First prototyped 25 years ago, the garden tool has a built-in bottle opener and the ability to pick up animal waste with a “duckie” bag (sold separately).

Made for everyone from homeowners to farmers, Rak-O features a head that can be pulled back to 8 inches to reach tight areas, or pushed out to 22 inches-plus for the big areas. Length is not specified, but it looks to be about the size of a typical garden rake.

It retails for \$59.99.



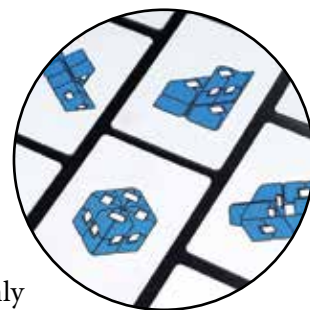
**“Creativity is thinking up new things.
Innovation is doing new things.”** —THEODORE LEVITT



KUBO

FIDGET TOOL FOR SOLO
AND GROUP PLAY

kubominds.com



KUBO purports to be the only fidget tool for both individual and group play, providing a better level of focus and deeper sense of calm. It doubles as a sleek desk toy.

The play cards transform the tool into a challenge. Create the shape on the card and compete with others.

KUBO offers a pleasing tactile experience. It is made from durable resin casting with an anti-static and muted color features. It has well-balanced proportion in size and weight.

The tool comes in three different series—Clear, Pastel and Metallic. The suggested retail price is \$40.

Hurricane Helper

AN INDISPENSABLE TOOL OF FREEDOM, THE CHAINSAW HAS DEBATED ORIGINS THAT INCLUDED A CRINGEWORTHY USE

BY REID CREAGER

Below, left to right: Scottish doctor James Jeffray was co-inventor of a crude saw that removed diseased bone and cut away flesh—and more—during problematic childbirths. This flexible saw later became the osteotome, basically a small chainsaw. Andreas Stihl is known as the “Father of the Chainsaw” that revolutionized the logging and lumber industries.

HE WAS distracted while peeling the Christmas wrapping paper from the square-ish box, his eyes and attention focused on another conversation across the living room. But when he looked down and realized what he had in his hands, it was powerfully obvious that my brother was reveling in a glorious present for his present and future.

A Stihl 180 chainsaw is not just another gift when you treasure your time outdoors and have a T-shirt that says 9.2—the number of tree-laden acres your land occupies. It becomes a trustworthy, essential companion that shapes this increasingly messy world in precisely the ways you choose.

Less than a year later, hundreds of miles to the southeast in Greenwood, S.C., the authoritative *whrrrrr* of chainsaws took on a different kind of importance for me.

When Hurricane Helene unleashed its deadly torrents of wind and rain on my hometown on September 27, dropping countless towering trees onto roads and houses like so many toothpicks, chainsaws were indispensable tools of freedom for those trapped in their homes and otherwise hemmed in by nature's fury.

This got me thinking about how these mainstays of the forestry industry—ironically, capable of inflicting their own sudden destruction—came to be. They are essentially simple machines that consist of an engine, drive mechanism, guide bar, cutting chain, tensioning mechanism and safety features.

But determining their origins is anything but simple when researching online, where answers are as scattered as tree limbs on a hurricane plain.

Many information sources agree that chainsaws were invented for use not by lumberjacks, but by—eew!—doctors.



Lesser-known claims

The first working prototype for a chainsaw, powered by a hand crank, was developed in the 1400s by German military engineer Konrad Kyser, according to The Enlightened Mindset—which claims to be the “world’s first fully AI-generated website.” Whether this purported first adds to or subtracts from the credibility of its information is up to the reader.

Sawtheory.com says the chainsaw was invented in the early 1800s by German blacksmith Konrad Borchardt. “The original design was used to cut down trees and had a saw mounted on long handles with two metal arms connected by links, resembling a chain,” the site says.

Alas, the site also says, “The first patent for a mechanical saw was granted in 1830 to a German inventor named Andreas Stihl” — which would be an unprecedented feat, given that Stihl was born in 1896.

Sawtheory claims the chainsaw as we know it today was invented in 1918 by Canadian engineers Joseph Buford Cox and James Shand. (We could find no other source crediting them for this.) Reportedly, their original design featured an internal combustion engine attached to a long bar with teeth along its edge.

The unkindest cut of all?

Most information sources agree that chainsaws were invented for use not by lumberjacks, but by—*ew!*—doctors.

According to BBC Science Focus, their purpose was to more seamlessly remove diseased bone and even “cut away flesh, cartilage, and bone from the mother during childbirth if the baby became stuck in the birth canal.”

BBC Science Focus cites Scottish doctors John Aitken and James Jeffray as inventors of this flexible but crude saw; *This Week in Libraries* magazine agrees. *Popular Mechanics* at least partially supports this notion, reporting that in 1785, a chain handsaw model appeared in *Aitken’s Principles of Midwifery, or Puerperal Medicine* and describing a process whereby a “serrated chain is used to remove diseased bone.”

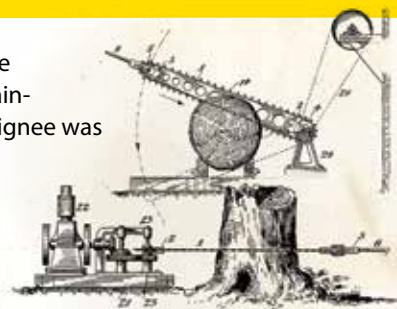
The flexible saw later became the osteotome, developed by German physician Bernhard Heine in 1830.

PATENT PATHWAY



Samuel J. Bens applied for the first patent for an electric chain-saw on July 17, 1903. The assignee was John S. Kimball. **U.S. Patent No. 780,476** was granted on January 17, 1905.

Bens wrote in his application: “My invention relates to saws, and my object is to produce a saw adapted for general use, and particularly to crosscut-sawing, for which at the present time hand-operated saws are almost universally employed.”



Allthatsinteresting.com, interestingly enough, makes no mention of Drs. Aitken and Jeffray. But it provides impressive detail about Heine’s saw:

“Heine added guards on the edges of the chain to protect the surrounding tissue, so surgeons could now cut into the skull without causing bone splinters or destroying soft tissue. It vastly improved any medical procedure that required cutting through bone, such as 19th-century amputations.



CHAIN OF DESTRUCTION

- As of October 24, at least **230 storm-related deaths** had been reported.
- The hurricane’s wind and rain destruction covered **600 miles**.
- Hurricane Helene and other storms dumped **40 trillion gallons of rain** on the South, from Florida’s Gulf Coast to Tennessee.

“Before the chain osteotome, surgeons used a hammer and chisel to take off a limb. Alternatively, they might use an amputation saw that required jarring motions. The medical chainsaw simplified the procedure and improved results.”

Heine’s design earned him international acclaim. Manufacturers in France and New York began making the surgical instrument in mass quantities.

‘Endless’ impact

Eventually, an inventor discovered that a chain-saw could rip through a redwood tree even better than it could cut through human bone.

In 1903, San Francisco logger Samuel J. Bens applied for a patent for his “endless-chain saw” with a looping chain that he said was based on Heine’s osteotome. His 1905 patent is considered the first for an electric chainsaw. (Allthatsinteresting.com calls Bens’ conception “the first recognizably modern chainsaw,” an obviously subjective proclamation.)

What can’t be argued is that these early chainsaws were large and heavy enough to warrant use by at least two people.

In 1926, the aforementioned inventor Andreas Stihl patented the “Cutoff Chainsaw for Electric Power,” weighing in at a whopping 116 pounds. Because it is generally acknowledged as the first electric chainsaw in the world and led to a company that remains a leader in the market today, Andreas Stihl has the interesting unofficial title “Father of the Chainsaw.”

Chainsaw Daddy revolutionized the lumber and logging industries with a machine that easily cut down trees with precision. This also led to the development of new woodworking and construction practices.

Eventually, the development of lighter aluminum alloys and forged steel parts helped facilitate one-person, portable saws. Other improvements followed.

Stockholm-based Husqvarna launched its first chainsaw, the Husqvarna 90, in 1959. It featured mufflers that the company claimed reduced noise levels by 100 percent. Five years later, Stihl introduced the first anti-vibration handle that used buffer elements to absorb vibration from the blade and engine.

More recent innovation includes the progression from gas-powered to electric chainsaws, and now chainsaws powered by lithium-ion batteries.

The latest technologies include laser-guided cutting and automatic blade sharpening—all part of a centuries-old evolution that is increasingly cutting edge. 🖨

A MYTH AND A RECORD, MASSACRED

- The slasher cult film “The Texas Chainsaw Massacre”—inspired by a true story that didn’t involve Texas, chainsaws, or massacres—premiered on October 1, 1974. Actor John Larroquette has said he narrated the prologue of the movie (budget: \$140,000) in exchange for marijuana.
- In 2011, Canadian Ian Stewart broke the Guinness World Record when he made 94 catches while juggling three active chainsaws.



INVENTOR ARCHIVES: NOVEMBER

November 8, 1923: Jack Kilby was born. The American scientist and electrical engineer invented the integrated circuit (the microchip), which some say was the most important invention of the 20th century.

The integrated circuit allowed for the miniaturization of electronic devices, without which most of our modern consumer electronic devices would not be possible. Shortly after joining Texas Instruments in 1958, Kilby had his “monolithic idea”: Instead of connecting separate components, an entire electronic assembly could be made as one unit from one semiconducting material by overlaying it with various impurities to replicate individual electronic components, such as resistors, capacitors, and transistors.

Kilby held 60 patents, invented the handheld calculator, and won a Nobel Prize.



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Don't Be **That Guy.**

INVENTOR'S PLANNING MISTAKES PUT HIM ON A METAPHORICAL TITANIC—AND GIVING UP COULD SINK HIM **BY JACK LANDER**

SELF-PUNISHMENT is not rare. I have been guilty of it in the past—and I have helped many inventors who have also been guilty.

The last inventor who sought my advice explained his sad situation. He had spent many thousands of dollars on three patents, and he had exhausted the last of his savings on a down payment for a prototype that was only about half completed.

The prototype's vendor demanded the final substantial payment of about \$3,000 in order to complete the work. The inventor was broke, with no prospects for obtaining the money. He called me thinking that I may be some kind of broker who had sources of investors looking for promising inventions (If any of you know of such investors, please let me know. I've never come across even one in the past quarter-century.)

I tried to explain to this distraught fellow that inventions are one of the highest-risk forms of investment, perhaps on par with Ponzi schemes that are guaranteed to work. He couldn't understand why that should be—especially when his invention was “certifiably” better than its next two competing inventions, his invention was an essential accessory for a product that was selling well, and its sales were growing.

I suggested that his patents had considerable potential value, and they could attract an investor who would at least read them and judge their value to him or her.

Then, the inventor confessed that he had to pay maintenance fees on his patents within a few days or they would become the property of the people of the United States (so he thought). He had already failed to pay on time and was about to default on the six-month grace period.

Holy (mumbled)!

This fellow had more troubles than a family in the lower deck of the sinking Titanic.

Possible fixes, some too late

So, I paused for a few minutes and thought of what I would do if I had let myself get this deeply in such mess. Here's my answer: The first four points are what you should have done originally. Point 5, however, covers what to do immediately.

1. Create a firm budget.
2. Order and receive your prototype. (Prototypes often result in new features that must be included in your patent application.)
3. Apply for a United States patent. (Patent applications protect your invention until your patent issues or is permanently rejected. The majority of initial applications are rejected. Revise and resubmit.)
4. Begin your quest to license your potential patents.
5. Discover three companies that are likely candidates for licensing your patent.
6. Find the names of the company presidents.

7. Write letters to each of the company presidents substantially as follows.

Dear Mr./Ms. Smith,

I have invented a product that will be immediately salable by your company. I have three issued patents on this invention and a professional prototype. I hope to show you my prototype and patents, my objective being to assign the patents to you and be compensated in a mutually fair arrangement.

I must in good conscience tell you that I do not have the money to pay my patent maintenance fees, so this is a matter of considerable urgency. (You need not mention that 37 CFR 1.362(e) allows a six-month grace period if you do not pay on time.)

Please let me know how we might meet so that you can evaluate my invention, prototype and patents.. Thank you very much.

Sincerely,

Guglielmo Marconi

The long swim

I offered, without charge, to edit the letter the inventor intended to send, but I haven't heard from him—not even a thank-you note for my first letter. I hate to think of him just giving up and letting his patents go into the public domain.

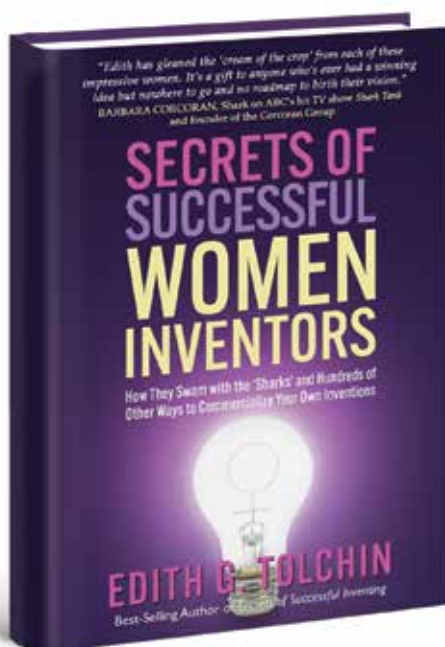
I'm reminded of a statement by the late, great psychologist, Abraham Maslow: "If I were dropped out of a plane into the ocean and told the nearest land was a thousand miles away, I'd still swim. And I'd despise the one who gave up."

P.S. Unfortunately, Maslow died at age 62. He is famous for his invention of the "hierarchy of human needs," on which other psychologists have based the field of self-actualization. ☞

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.



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Edith G. Tolchin
(photo by Amy Goldstein Photography)

Edith G. Tolchin knows inventors!

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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PART 2 OF 2

Take Good Measure

TRACKING KEY METRICS HELPS GAUGE THE SUCCESS OF YOUR STORYTELLING, DETERMINE IMPROVEMENTS **BY ELIZABETH BREEDLOVE**

MEASURING and analyzing the success of your storytelling on social media allows you to track key metrics, so you can understand what resonates with your audience and refine your approach over time.

To begin, consider which metrics are most important for meeting your social media goals. The data that matter most varies, depending on whether you are trying to increase engagement and grow your audience on social media, sell more of your invention, or promote a positive brand sentiment.

In a crowded marketplace, a well-told brand story can be the differentiator that sets your invention apart and propels it to success. By tracking social media metrics and adjusting your storytelling strategy, you can continue to grow your brand and sell your invention online.

Consider these metrics:

1 Engagement metrics

Engagement is a strong indicator of how well your story is resonating with your audience. Track metrics such as likes, comments, shares and saves to gauge the level of interest and interaction with your content.

Are people leaving thoughtful comments or sending direct messages in response to your posts? This can indicate that your story is striking a chord and encouraging further engagement.

Shares and retweets are signs of content that resonates strongly enough for your audience to want to share it with others. A high number of shares indicates your story has a wider appeal and the potential to reach a broader audience.

2 Reach and impressions

This helps you understand how far your story is spreading across social media platforms. Reach refers to the number of unique users who have seen your content; impressions indicate the total number of times your content has been viewed.

Track how well your story is performing without paid promotion. A growing organic reach suggests that your content is naturally resonating with users and being picked up by social media algorithms.

If your content is receiving a high number of impressions but low engagement, it may indicate that while people are seeing your story, it's not compelling enough to prompt interaction. In this case, consider tweaking your messaging or presentation.

3 Conversion metrics

Ultimately, the goal of storytelling in social media marketing is to drive action—whether that's getting people to visit your website, sign up for a newsletter, or purchase your product. Conversion metrics can help you measure the effectiveness of your storytelling in driving these actions.

Monitor the percentage of users who click on a link in your post to visit your website or landing page via the click-through rate. A high CTR suggests that your story is interesting enough to encourage further exploration.

Track the percentage of users who complete a desired action after clicking through from your social media post—the conversion rate. This could be signing up for an email list, making a purchase, or downloading an app. A high conversion rate indicates that your story captures attention and motivates action.

If lead generation or sales are your ultimate goals, track how many leads or sales can be attributed to your social media efforts. Use tools such as UTM codes or social media analytics to trace conversions back to specific posts or campaigns.

4 Sentiment analysis

Understanding how your audience feels about your story is just as important as measuring quantitative metrics. Sentiment analysis involves

tracking the tone of comments, mentions and messages to gauge the way your audience feels about your brand.

Monitor whether the feedback you receive is predominantly positive or negative. Negative sentiment may indicate areas where your narrative could be improved.

Pay attention to emotions expressed in comments. Are people expressing excitement, gratitude, or empathy? These emotions can be strong indicators of how deeply your story is resonating.



Adapt your story

As your invention evolves and your audience grows, your story should evolve as well. The initial narrative you crafted may need to be updated or expanded due to emerging situations.

If you are tracking and analyzing key metrics, any changes that need to be made should become apparent. Some ways to adapt your story over time can involve occasional developments involving your brand:

Incorporate new milestones. As your invention progresses, reaches new milestones, or achieves significant recognition, incorporate these updates into your story. New developments keep your narrative fresh and provide opportunities to re-engage your audience.

Explain product launches or updates. Share the story behind these updates. Explain why you made these changes and how they increase the value of your invention.

Leverage awards and recognition. Industry awards and media coverage can become part of your storytelling by sharing what this recognition means to you and how it validates your efforts.

Report growth and expansion. Whether you're entering new markets, scaling production or building a team, these milestones can add new chapters to your story.

More generally, react to these ongoing opportunities:

Respond to audience feedback. Use this input to make your narrative more relevant and engaging. If your audience raises concerns or

The data that matter most varies, depending on your goals.

questions about your invention, address these openly in your storytelling. This demonstrates that you're listening and builds trust.

If your audience suggests new uses for your invention or ways to improve it, consider incorporating these ideas into your product and your brand story. This shows you value their input and are committed to continuous improvement.

Evolve with the market. Because market conditions and consumer preferences can change over time, your story should adapt to these shifts. Stay informed about trends in your industry and be prepared to adjust your narrative (and perhaps even your product line) to stay relevant.

If there's a growing trend that aligns with your invention, weave it into your story. For example, if sustainability is becoming increasingly important to consumers, emphasize how your invention contributes to a greener future.

If market research indicates your target audience's priorities have shifted, consider adjusting your brand story to highlight the aspects of your invention that align with these new priorities. 📌

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.



Getting the **Funk Off**

SERIAL ENTREPRENEUR, MARKETER COMBINE
TO INVENT TEETH TOUCH-UPS ON THE GO **BY EDITH G. TOLCHIN**

SAY YOU'RE on the run or in your car, heading out for a hot date, and you forget your toothbrush. Or maybe you're a big fan of red wine—but not the stains it often leaves on your teeth.

Here's a pocket-sized product with many uses. FunkkOFF!®, which quickly refreshes your teeth, was created by Joelle Flynn of Dana Point, California, and Sonia Hounsell of Rye, New York.

Edith G. Tolchin (EGT): Whose idea—and who's the red wine drinker?

Joelle Flynn (JF): In 2010, I was living near Napa and would go wine tasting every weekend. I love my red wine but love my white teeth more!

I hated that red wine stained my white teeth a “Funkky™” shade of purple. So, I would carry around a bulky, full tube of toothpaste and a toothbrush in my little purse to remove the purple “Funkk™” off my teeth in between wine tastings. There had to be an easier way.

One time in the bathroom, I pulled out my lipstick to refresh my lips, looked at it, and thought, “Why isn't there something compact, reusable and easy to use like my lipstick—but to refresh my teeth?”

I didn't find any product on the market, so I began inventing one.

EGT: I understand you have known Sonia since seventh grade. Where were you living at the time?

JF: Yes! We met on the playground in a small school in Potomac, Maryland. We spent many years together on the field through high school as teammates, whether for lacrosse, soccer or softball.

EGT: Before FunkkOFF!, what were (are) both of your “day jobs”?

JF: I am a serial entrepreneur at heart, so my “day job” changed with time, changing industries.

I started working at 14 1/2 and paid my way through college. At 22, I became the youngest stockbroker managing over \$350 million in assets. From there, I started and sold a fintech (financial technology company), flipped houses and started a nonprofit. You know, serial entrepreneur stuff.

Sonia has had a decades-long successful career as a consumer-packaged goods brand marketer in large Fortune 100 companies like Mondelez and Bayer, leading and

The 2-in-1 toothbrush-plus-toothpaste tool is reusable about 30 times.



launching iconic brands and products including Dentyne, Trident, Stride and Coppertone. Her experience also includes roles at McKinsey Consulting as a brand strategy expert and starting her own marketing consulting company.

EGT: Who created your first prototypes? At what point did you approach Sonia for assistance in product development?

JF: I did many years ago—2010, to be exact. After that great day of wine tasting in Napa, I went home to start my initial designs of the invention of FunkkOFF! TeethRefreshers® and created the very first prototype by ripping off the round toothbrush head from my electric toothbrush and taping it onto my Chapstick tube!

The tube looks like lipstick, but on the inside it contains 100 percent natural and vegan tooth gel. It's reusable about 30 times.

Throughout eight years, I worked on the product designs, features and prototyping, and filed eight U.S. patents on my designs and three U.S. trademarks on the FunkkOFF! and TeethRefreshers names, and the smile logo.

I reached a point where I knew I needed an experienced and trusted partner to turn my designs, inventions, patents and trademarks into a sellable consumer product and lifestyle brand.

I never launched a consumer product before and needed a lot of help but knew exactly whom to call: Sonia Hounsell!

In 2019, Sonia and I formed FunkkOFF! Inc. to collaborate to get our new FunkkOFF! TeethRefreshers to market and build a fun, FunkkOFF! lifestyle brand around it. Sonia and I started working together on refining the product designs, usability, and the look and feel of our brand and the product.

In July 2021, we finally had our beautifully designed product ready for the marketplace and launched.

EGT: What type of government safety certifications did you need to be permitted to sell a product in the dental care industry?

JF: Through the years, we have obtained FDA



Medical I grade clearance, as we're a medical device because our product is a toothbrush.

EGT: When did you begin to sell FunkkOFF!? Where? (Online, retail, Amazon?)

JF: We started selling on our website and quickly launched on Amazon to support the strong demand. Once the buzz got around about our unique new invention, we started selling at retailers like SHEN Beauty and Uncommon Goods, and are also now available through fabfitfun.com.

Retailers quickly embraced FunkkOFF!. We are now located in about 130 locations in 45 states in places like dental offices, spas, pharmacies, grocery, airports, boutiques and more. Anywhere there is a counter, we're there—and growing fast!

EGT: You appeared on "Shark Tank." Did you need a minimum of sales before trying out?

JF: The buzz about FunkkOFF! spread to the producers. They invited us to apply. The process was long and arduous but very exciting and well worth the effort.

Business partners Joelle Flynn (left) and Sonia Hounsell got a deal on "Shark Tank" and praise from all five Sharks.



"I pulled out my lipstick to refresh my lips, looked at it, and thought, 'Why isn't there something compact, reusable and easy to use like my lipstick—but to refresh my teeth?'" —JOELLE FLYNN

"Shark Tank" was a great experience for us! It levels the playing field between our indie brands and large conglomerates like Colgate and Crest. Our domestic and international exposure has been an exceptional blessing in being able to scale and expand into channels that would take us years to conquer.

EGT: Did you get a deal, and if so, with which Shark?

JF: Yes, we did! It's worth watching the nail-biting episode (2023, Season 14, Episode 14) to find out who wanted to join our team. The best part was after we walked out of the Tank with our deal, as we didn't know what the Sharks said until it premiered.

There is no better endorsement from "Shark Tank" than to have all five Sharks verbally praise how great our product is.

EGT: Has "Shark Tank" arranged your PR? How helpful has that been so far?

JF: ABC, "Shark Tank," and all the connections we have made there have been wonderful, supporting us along our journey.

EGT: How has that experience affected your sales?

JF: We had a five-times multiple in sales over last year, so we are ecstatic with our sales to date since airing in 2023.

EGT: Please tell us about your "giving back" experiences. Who are the two recipient organizations?

JF: Thank you for asking. We support two organizations: [girlsontherun.org](https://www.girlsontherun.org), which empowers young girls to find their limitless potential, and

smilesforeveryone.org, which provides free dental care to those in need across the world.

EGT: Do you plan on any add-ons or new products?

JF: Oh, Edie, we do! We are working on many enhancements to our multi-patented FunkkOFF! TeethRefreshers to make it the best on-the-go oral care experience for everyone. In addition, we have other oral and personal care products that "get the FunkkOFF! on-the-go."

EGT: What advice would you offer a novice inventor seeking to create a new product in a similar category as yours—perhaps something you've learned you might "share to prepare?"

JF: To the novice inventor: Go for it!

For all inventors, the first step is a proper patent search.

There is no use in committing funds, resources and your precious time to only find out in future years that someone already thought about your idea.

From there, ask for help! LinkedIn is a valuable network to tap into to ask questions, advice, support and more.

Finally, Sonia recommends, "Stick with it!" It's a long road from an idea through execution to launch to success. But it is truly rewarding to see consumers using the product you launched to solve a real, everyday problem. 🧐

Details: funkkoff.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>).





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IPWATCHDOG CELEBRATES ITS SILVER ANNIVERSARY
AS THE GOLD STANDARD FOR PATENT ADVOCACY
AND INTELLECTUAL PROPERTY NEWS **BY REID CREAGER**

One picture, taken during the October celebration, tells the story: Gene and Renee Quinn's palpable bond of love, mutual respect and shared vision are the foundation for an organization that is becoming as iconic as its logo.

ON THEIR second date 22 years ago, Gene Quinn cooked his future wife dinner, took her on a tour of Temple University, then visited the Philadelphia Museum of Art with her.

"And yes—we ran up the steps, just like Rocky did!" Renée Quinn remembers.

The Quinns took off running as a couple, then as a business, and haven't looked back. As co-operators of intellectual property powerhouse IPWatchdog—which has grown prodigiously since 1999 with tens of millions of unique visitors to its website—there isn't much time for that.

They made an exception on October 2 with a 25th anniversary celebration of the organization and its site that is seamlessly

organized and crafted by editor-in-chief Eileen McDermott, a polished IP and legal journalist.

Their dogged determination was much to celebrate, tinged with memories of those challenging early years when this business puppy was teething and even abandoned.

Ghosted but spirited beginning

IPWatchdog's webinar, podcast guests and interviewees have included USPTO Director Kathi Vidal; former USPTO directors Andrei Iancu and David J. Kappos; and countless government officials, judges, industry CEOs and influencers in all things IP. Online discussions led by the Quinns from their homey Ashburn, Virginia, studio range from life sciences to patent trolls to women in IP to patent prosecution and more.

The site's accomplished and knowledgeable reporters regularly outperform mainstream media in terms of speed, accuracy, detail and perspective. (IPWatchdog generously offers its news stories and analysis to *Inventors Digest* in our Eye On Washington section.) Frequent guest posters could form an IP all-star team. The organization has a swelling list of partners, contributors and followers.

It wasn't always this way.

Not long before the turn of the millennium, Gene Quinn and a group of friends came up with the novel idea to "provide some information about the value of a company, based on the value of the company's intellectual property portfolio," he says.

Quinn certainly had the energy and the chops—having graduated from Franklin Pierce



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RENAISSANCE

ARLINGTON CAPITAL VIEW HOTEL

School of Law with a Juris Doctor degree in 1995 before joining a civil litigation firm. Then, seeing the exploding reach of internet news, he received his LLM from his alma mater in 1997 to prepare himself for numerous career opportunities in patent law.

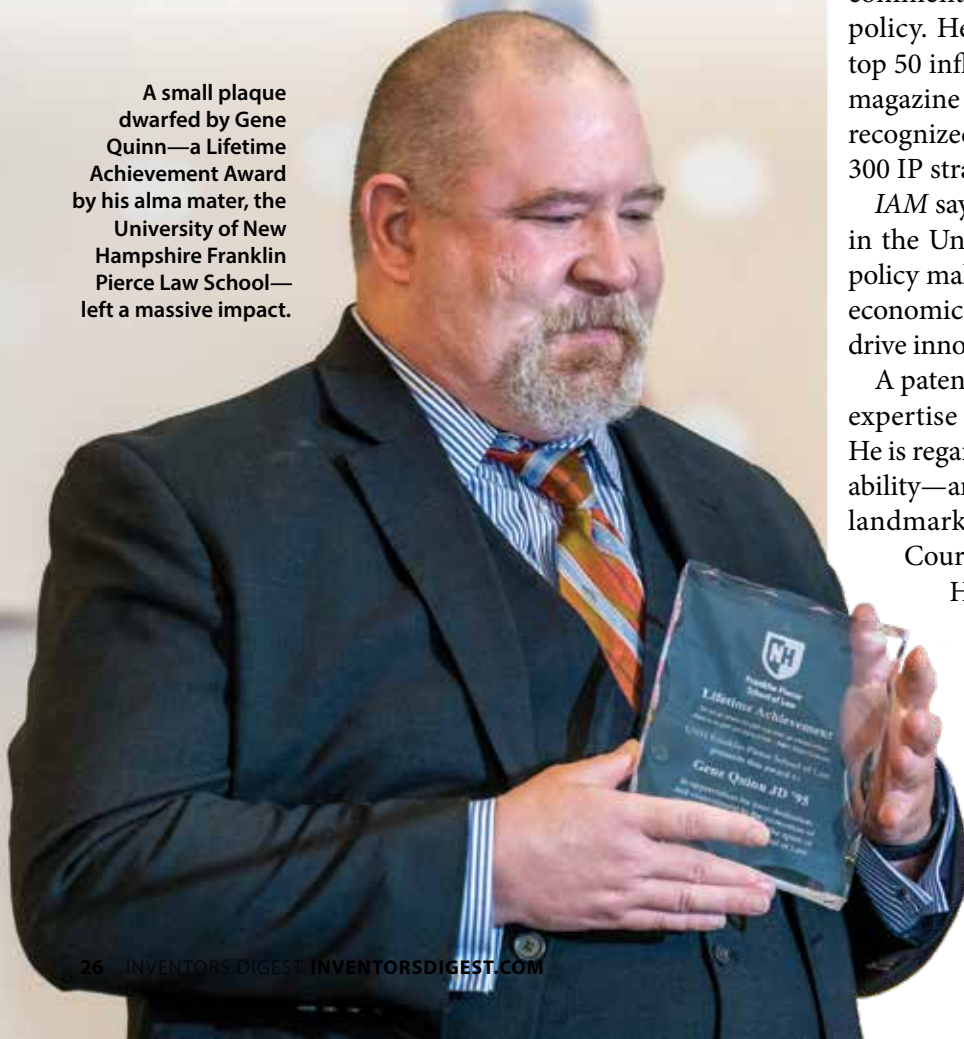
He acquired IPWatchdog.com—“and then everyone else proceeded to move on to other opportunities.”

Quinn was left with the domain name and no idea what he would do with it. He began teaching as a law professor fulltime, so he posted articles he was writing and information for students.

Before long, it became obvious that more than students were reading. He envisioned turning that into a business.

Gene Quinn was left with the domain name and no idea what he would do with it.

A small plaque dwarfed by Gene Quinn—a Lifetime Achievement Award by his alma mater, the University of New Hampshire Franklin Pierce Law School—left a massive impact.



“Initially, I wrote up case summaries for every IP case decided and posted them and sent them via email newsletter. This led to us growing a core audience, and to clients finding me who wanted legal work done.

“So, for many years, I would write to answer the types of basic questions clients would always ask, which did lead to a lot of legal work being generated. Then, when blogging platforms like WordPress became available, we transitioned to using those tools, which made maintenance of the site much easier.”

By 2009, people wanted to advertise on IPWatchdog.com and for Quinn to moderate webinars the site would promote to its audience. “That was when we really transitioned into the online journal that we are today, and away from just a blog useful for attracting legal work.”

Honored and honorable

The company’s founder/CEO has earned a presence and sterling reputation as a leading commentator on patent law and innovation policy. He twice has been named one of the top 50 influential people in IP by *Managing IP* magazine and for the last seven years has been recognized by *IAM* magazine as one of the top 300 IP strategists in the world.

IAM says Quinn “has reshaped the IP debate in the United States in a way that has forced policy makers to carefully consider the macro-economic effects of IP law and its potential to drive innovation and economic activity.”

A patent attorney for nearly two decades, his expertise and impact are virtually unrivaled. He is regarded as an expert on software patentability—an issue of national importance in the landmark 2014 *Alice v. CLS Bank* Supreme Court ruling—and U.S. patent procedure.

He has helped inventors, entrepreneurs and start-up businesses around the world. He’ll consult with attorneys facing peculiar procedural issues at the United States Patent and Trademark Office, advises investors and executives on patent law changes and pending litigation matters, and has

represented patent practitioners before the Office of Enrollment & Discipline.

He has previously taught a variety of intellectual property courses at the law school level that include patent law, patent claim drafting, patent prosecution, copyright law, trademark law and introduction to intellectual property.

Quinn pulls no punches and doesn't duck any, either.

He speaks out against perceived shortcomings or failures without playing favorites or mincing words. He is a registered patent attorney licensed to practice before the USPTO but does not shy away from criticism of its much-maligned Patent Trial and Appeal Board. He is also admitted to practice before the United States Court of Appeals for the Federal Circuit—but in this very issue of *Inventors Digest* wonders if the federal circuit should be abolished.

At the end of the story about IPWatchdog's 25th anniversary that was posted on the site, a commenter said it well in concise, metaphor-laden praise:

"You all provide the gnashing, grinding, growling, bulldog teeth our field desperately needs to shine the light of truth and justice in an often dark, anti-patent/IP world."

A partner in every way

Renée and Gene Quinn married in September 2006. When they met four years earlier, he was teaching at Temple. She was a single mother, working full time in Berwyn, Pennsylvania, and going to graduate school.

Her contributions to the success of IPWatchdog pre-date the wedding. From April 2006 to November 2008, she was vice president; she is now chief operating officer.

With a Bachelor of Science degree from Pennsylvania State University and an MBA, she has put that knowledge to work by overseeing all day-to-day operations as well as the organization's growing suite of programs. She "interfaces" with inventors, entrepreneurs and small businesses; has worked on developing marketing campaigns; is trained as a patent

SURPRISE OF A LIFETIME

A few weeks before IPWatchdog's 25th anniversary celebration, University of New Hampshire Franklin Pierce School of Law Dean and Professor Megan Carpenter contacted Renée Quinn and asked for permission to have a lifetime achievement award presented to Gene during the festivities.

"Absolutely!" was her immediate response.

In presenting the award, Carpenter explained that since Quinn created IPWatchdog two years after graduating with his LLM, it has evolved into much more than a media company: It is now also an IP education company, an events and conference company, an advocacy and policy engine and "more than anything else, it is also community."

Quinn and IPWatchdog have made "such a mark on that mandate of promoting science and the useful arts," Carpenter said. "We all love Gene because he says what he thinks, and true leadership entails, above all, authenticity."



The head bulldog was temporarily and understandably tamed.

"Everyone who knows me knows that I really loved Franklin Pierce Law School, and I enjoyed all my time in New Hampshire," he said. "So, getting recognized from where I came is truly a dream come true. It was a complete shock. I had no idea and wasn't expecting anything.

"And while it is great to get a lifetime achievement award, I do not plan on letting up. It is still pedal to the metal, and shoulder to the grindstone!"

paralegal who worked with over 500 inventors on provisional patent applications, and has written business-related articles for the site.

When I visited the IPWatchdog office/studio in June, the Quinns and Vice President of Operations Kasia Kryca were setting up for an upcoming webinar. The way the couple complement one another while working together was on full display, with Renée's attention to detail driving her to successfully find a way to hide all the control panel cords. Her logistical acumen and problem-solving skills are abundant.

This is not a support role. Renée Quinn is an indispensable partner.

"We have different strengths that overlap in some ways but complement each other very well," her husband says.

"I don't have to worry about the things Renee is handling getting done. She makes it happen. And I think she probably feels the same, which gives us each the ability to do what we need to do and the confidence that those things we are not handling directly will get done.

"It also helps that we really, really love each other. Our vision for the future is very much similar. We row in the same direction."

Renée is fully on board: "Gene and I do love one another immensely and over the years have really come to respect the strengths the other has. We balance one another very well. We both have different strengths, and together we make an excellent team! ...

"I am very good at planning and managing the different programs and events that we host, and handling any and all situations as they arise—while at the same time making our guests feel as if they were coming to our home, rather than just another event."

Community constants

This is a noteworthy aspect of IPWatchdog's one-floor office and studio: its comfort level.

An early Monopoly game, with pieces in view, sits on a shelf in the small lobby. The studio down the hall, with its blue backdrop for participants, is cozy but professional. A large back room with tables, chairs and wall art exudes a family feel for large presentations.

Renée told me in June how the space is designed to "feel like community"—an observation repeated by many attendees.

Those who know the Quinns have made



JOYFUL BARKS

AMONG THE CONGRATULATIONS FOR THE QUINNS

ON IPWATCHDOG'S 25TH ANNIVERSARY:

Congratulations to Gene and Renee on 25 remarkable years of running IPWatchdog. Your dedication to celebrating innovation and providing invaluable insights to the intellectual property community has made a lasting impact.

"Having known you both for over a decade, I've admired your passion, integrity and unwavering commitment to advancing the conversation around IP. Here's to many more years of success!"

LOUIS FOREMAN

*Eventys Partners founder and CEO,
Inventors Digest publisher*

I have been taking my news from IPWatchdog for close to 15 years by now. It has proven a great source of information and editorial content as well, which is rare. I always prepare my own newsletter (IP Market Updates) by going through the IPWatchdog stories to make sure I did not miss anything important.

"Gene has done a masterful job since the inception of IPWatchdog, providing the IP community with a current perspective on everything IP while providing strong support for a healthy patent ecosystem. He has given a voice to many authors over the years, me included, to reach a large audience that cares about IP. To another 25 years!"

LOUIS CARBONNEAU

Tangible IP founder and CEO

IPWatchdog's 25th is special to all in the IP community and especially to me, personally. IPW 25 represents the endurance of clear, candid and readily accessible IP news and perspective. It was launched in the heyday of patent licensing and has taken us through the periods of challenge.

"IPW is a beacon of light in a sometimes dark ocean for inventors.

"I am pleased to have known Gene and Renee for more than 20 years and contributed more than 30 "Intangible Investor" columns and articles. Rock on, my friends!"

BRUCE BERMAN

*Center for Intellectual Property
Understanding co-founder and chairman*

them feel like community for many years. That community is sizable and influential. Renee recalls IPWatchdog's 20th anniversary celebration, when the organization did it up big:

"We rented the top two floors of the Park at 14th (a four-story restaurant and nightclub in Washington)," Renée said. "We had over 250 people attend the celebration and were blessed to have retired chief judge of the federal circuit Paul Michel, Andrei Iancu, and the late Q. Todd Dickinson, all speak about IPWatchdog and Gene and I specifically— and the impact we've had on the industry. It was such a monumental moment."

Although this year's anniversary celebration was

more low-key, Gene Quinn says to look for a growing visible presence from the company.

"We are increasingly becoming a media company, and that will continue. We will continue to publish articles, but we will do more and more with video.

"Earlier this year, we started a podcast that is already in the top 25 percent of all podcasts available after just four months. So, look for us to produce more original video content and to grow the podcast from just doing interviews to being more of a 'show,' with headline industry news, comment, analysis—and, of course, some long-form interviews and conversations." 🎧

Celebrants (left to right): Soren Reber, David Solheim and Angela Solheim from IPWatchdog's web developers, Solheim Tech; and Renee Quinn, Gene Quinn, Eileen McDermott, Kasia Kryca and Morgan Connell of IPWatchdog.



Gene, congrats to you and the entire IP Watchdog team on 25 years!"

RACHEL ELSBY

Akin Gump Strauss Hauer & Feld partner

I champion Gene Quinn and his stellar team for their relentless efforts over the past 25 years in promoting and supporting U.S. patent rights.

"IPWatchdog's timely, thought-provoking articles have consistently informed the IP community of important events and pressing issues."

JULIE E. BURKE

PhD, U.S. Patent and Trademark Office expert witness, whistleblower

IPWatchdog has been a game-changer for the IP industry. When I first embarked on my journey in the

IP space, discovering IPWatchdog provided me with invaluable insights.

"Congratulations to Gene Quinn and his team for reaching such an amazing milestone! I'm excited for the next 25 years and the valuable insights and transformative changes it will continue to bring to the IP landscape."

MARLENE VALDERRAMA

Senior intellectual assets property manager, lead technology scout, MBA, patent agent

Throughout my career, IPWatchdog has always been the No. 1 source for me to obtain relevant and timely intellectual property law developments and community news."

RAYMOND MILLIEN

Legal executive, board advisor, IP and commercial law specialist

ON GENE QUINN'S LIFETIME ACHIEVEMENT AWARD:

"This well-deserved award was a great capstone for the 25th anniversary conference. As always, IPWatchdog LIVE attracted the best and brightest and provided actionable insight to all attendees."

JAMES CARMICHAEL

Former administrative patent judge

"I can't think of a better tribute to Gene—a true patriot—other than the Presidential Medal of Freedom. In due course ..."

JUDGE SUSAN G. BRADEN (ret.)

"Congratulations. Thanks for your service to the Constitution."

STAN SANSONE

Innovator, geophysicist, firefighter

Watch Your Language

A CATCHY NAME OR SLOGAN CAN ENHANCE MARKETING, BRANDING AND SALES—BUT ALSO CONFUSE AND OFFEND

BY WILLIAM SEIDEL

WE earthlings make it hard to communicate, but language is the best we have. With over 7,000 different languages in 196 countries, it's not easy to communicate.

Language is instrumental for marketing, branding and sales. Having the right message can make a success; having the wrong message can cause failure. The examples, names and language in this article are common phrases, real businesses and actual campaigns.

There is contradicting language and statements, such as Oscar Wilde saying, "Life is much too important to be taken seriously." And there are oxymorons that juxtapose opposite meanings like bittersweet, an original copy and resident alien.

Words and phrases that self-contradict may be rhetorical, add humor or illustrate a point. But this does not mean it is a good name for a product or a business.

Our language and communications are inconsistent, inaccurate and often contradictory. Some things in English just don't make sense: When you transport it by car, it is a shipment—but by ship it is cargo.

You have fingertips but no toetips. You can tiptoe but can't tipfinger.

We take pride in combining words to mean the opposite: jumbo shrimp, plastic silverware, old news. We drive on parkways and park on driveways. Good grief sounds much better than bad grief.

We unconditionally accept that apartments are not apart; they are all together. They are actually "togetherments."

Catchy and funny examples

Does catchy and funny matter? It sure does! The real question is, does it attract business, or repel it?

A tongue-in-cheek name may be cute or memorable, but is it enough to establish repeat sales?

It can work when it's done right. "Thyme and Thyme Again" is a clever play on words and a positive business name for an herb and spice catering business. "Sure Lock Homes" implies home security with the trustworthy association with Sherlock Holmes.

A variety of "Lord of the Wings" restaurants tried to capitalize on the movie's success. Most failed, except for one at Ohio State and a cooking rub product.

Some business names may work for local markets, such as Joe's Bar & Drill, a dental office in California wine country serving complementary wine. It has a great practice but is unlikely to do well elsewhere.

The product name Icy Hot® confronts the confusion of using hot or cold for topical pain relief. The ad agency, Terri Sandy, calls it Contrast Therapy. This can create curiosity to know more, which can persuade people to pick it up.

The arts have great leeway when using contradictions. "A Hard Day's Night," "The Sounds of Silence" and "Hello Goodbye" create a playful contradiction. And it certainly works for movies such as "True Lies," "You Only Live Twice" and "Back to the Future."

And let's not forget Shakespeare, who coined "sweet sorrow."



Words and phrases that self-contradict may be rhetorical, add humor or illustrate a point. But this does not mean it is a good name for a product or a business.

Clear distortion

Doublespeak is the George Orwell word for intentional distortion to disguise or reverse the meaning. He may be more relevant today in the era of news that isn't real news, and alternative facts.

Doublespeak is used to make something bad sound better, such as saying "downsizing" instead of firing staff, or claiming "negative growth" for company losses.

And it is not garbage—it's "sanitary landfill." But is it really sanitary?

The military is notorious for doublespeak like "servicing the target" instead of dropping bombs; "collateral damage" instead of multiple fatalities; and "enhanced interrogation" instead of torture.

Even the well accepted term "civil war" combines the meanings of courteous and polite with hostile conflict.

Lost in translation

In the United States, 42 million people speak Spanish at home. If your name, brand or message does not translate well, you are eliminating a sizable part of the market and may be offending them.

The 1984 Coors beer campaign, "Turn It Loose," means "suffer from diarrhea" in Spanish. Nova means "star" in Spanish, but when

Chevrolet introduced it, the company learned that it sounds like "no va"—which means "no go!"

The campaign "Come Alive With the Pepsi Generation," translated into Chinese, means "Pepsi brings your ancestors back from the grave."

To "table an item" in America means to set it aside until later. In the United Kingdom, it means to actively consider an item.

IKEA introduced the Fartfull workbench, because it means speedy in Swedish. International marketing must consider the social implications.

Avoid the negative

Catchy does not always mean good.

Passmore Gas & Propane and Stubbs Prosthetics & Orthotics may get a laugh but may also leave an offensive or negative impression.

Is it clever to name your chair store the Shack of Sit?

A Salt & Battery fish and chips restaurant is a play on a crime. Curl Up and Dye hair salon is memorable, but dark humor can be morbid.

Despite these factors, a name in poor taste can sometimes make it! There are at least five independent Master Bait & Tackle stores and several online that have traction with fisherman. The name is enough to bring in customers. Hats and T-shirts are big sellers.

Language manipulation

The name can also break it!

I had a client with an excellent fish deboning product that stripped the bones, spine, ribs and tail off the fish with one quick flip of the wrist. The inventor spent a fortune on a professional infomercial and deeply invested in the name that no network would allow: The Wunder Boner.



Is it clever to name your chair store the Shack of Sit?

After all failed, he came to us. We structured two media deals, got it online, found new funding but only limited sales and no distribution because of the name.

So, command your message! Cute names may get a laugh but are often short-lived. Clarity is better than levity, and brevity is better than more.

The best and safest is a simple message that needs no explanation.

The best marketing doesn't feel like marketing. This often takes the talents of an experienced wordsmith. Think Marketing! 🗣️

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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What's in Your Control?

MAKING 2 LISTS CAN HELP DETERMINE FACTORS IN THE INVENTION PROCESS THAT MAY BE IN YOUR WAY **BY APRIL MITCHELL**

DO YOU ever feel like you aren't in control of what's happening—and wondering if you are doing everything you can to help your odds of getting your product licensed?

Sometimes, I have to remind myself of what it is that I can control in my product licensing journey. I need to think about what is in my power and what I can do myself, versus what I don't have control over or the power to do.

To help with this, I made a list of inventing-related factors in both these totally opposite categories. I encourage you to take a look at both lists and see if there is anything you can add.

What I can control, or what is in my power:

- How much time I am spending creating new products
- How much time I am spending pitching or following up
- The amount of research I do before and during working on a project
- How I choose to spend my time
- What project/s I choose to work on
- Who I choose to pitch to (as long as I can gain access to the company)
- What I spend my money on (prototypes, trade shows, etc.)
- How I act or react to things (my attitude)
- Helping the companies I work with
- How much work I put into things
- How far I take a project (Does it look OK or pitch ready?)
- Who I choose to work with and who I choose to walk away from

What I cannot control, or not in my power:

- Whether a person/company chooses to take my meeting request
- Whether a person/company responds to my email/s
- Whether or not a person/company reviews, tests, or playtests a product or game when they say they will

- Whether I get feedback (even after I may ask)
- If the product will actually come out on the market when it is supposed to—or at all
- If a company will send my prototype/sample back (even asking for it multiple times)
- Whether or not I get offered a licensing deal from a company

Evaluate your reactions

After reading through this list, try thinking about the things that may be bringing you down as an inventor or designer.

If they are on the list of things that you don't have control over or not in your power, I encourage you to let them go and concentrate your energy and time on the first list.

If this still is not enough control over the outcome of your product, perhaps it may be time to consider having your product manufactured—or, if your product is a game, to self-publish.

Of course, with manufacturing your own product comes a new set of outside factors such as different people meeting timelines, juggling shipping, and whether or not buyers are interested in your product—to name a few.

Whether going the licensing or manufacturing route, there will always be things outside our control. Work on the things you can control and plan extra time for the things you can't.

Keep doing your part. In time, things will hopefully work out with the desired result. 🍀



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



Code Mode in the DR

SANTO DOMINGO BOOTCAMP GIVES WOMEN A HANDS-ON TUTORIAL ON COMPUTER SCIENCE AND CODING **BY JEREMY LOSAW**

RECENTLY found myself in the Dominican Republic again, but it was not for a holiday.

There were no white sand beaches or the clear azure waters of Punta Cana. Instead, I was surrounded by laptops belting out dance tunes from a coding exercise and LEGO robots driving around my feet.

This trip to Santo Domingo was to help conduct a Women in Robotics Bootcamp to help inspire the next generation of Dominican STEM teachers and superstars.

The bootcamp (WIRB) was in early September, using LEGO Spike Robotics kits to teach about 75 women the fundamentals of coding and robotics. The event was at the Instituto Cultural Dominicano Americano in the capital of Santo Domingo.

ICDA is a K-12 English language immersion school in the heart of Santo Domingo that also offers some college courses. Most classes are taught exclusively in English, and students are exposed to American culture. They also have a strong focus on innovation and an on-site maker space and podcast studio to support creative endeavors.

It was the perfect backdrop for the robotics bootcamp, generously funded by the U.S. Embassy in Santo Domingo.

Mostly Charlotte-led instruction

The WIRB was conducted by a team of four people from the Dominican Republic and the United States. The group was led by two incredible female

tech leaders from Charlotte, Alyssa Sharpe and Dr. Sharon Jones.

Sharpe is the CEO of Digi-Bridge, a learning nonprofit in Charlotte that provides STEAM (science, technology, engineering, arts and mathematics) learning for students in underrepresented communities. Dr. Jones is the founder of the Dottie Rose Foundation, which provides computer science education while bridging the gender gap in the technology field.

Koral Nuñez, a native of Santo Domingo and STEM education leader in the Dominican, provided additional programmatic and technical support along with me.

The one-day program was presented to two groups of all-female students and one group of all-female teachers from Santo Domingo, and as far away as La Romana near Punta Cana. The day was split into two halves, with the goal to add knowledge for students in computer science, coding and robotics and have them create their own robotic innovation.

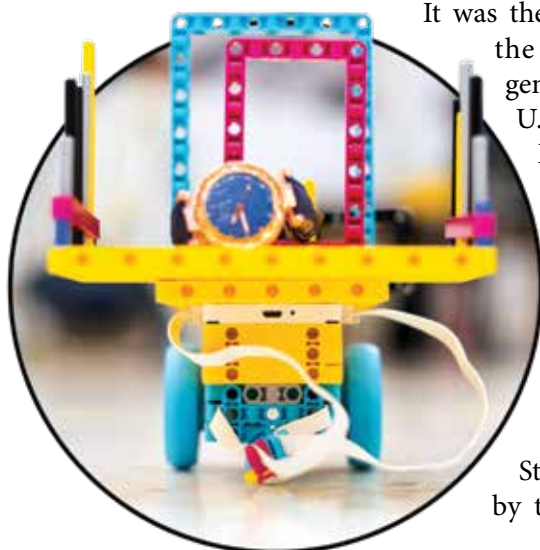
Learning in action

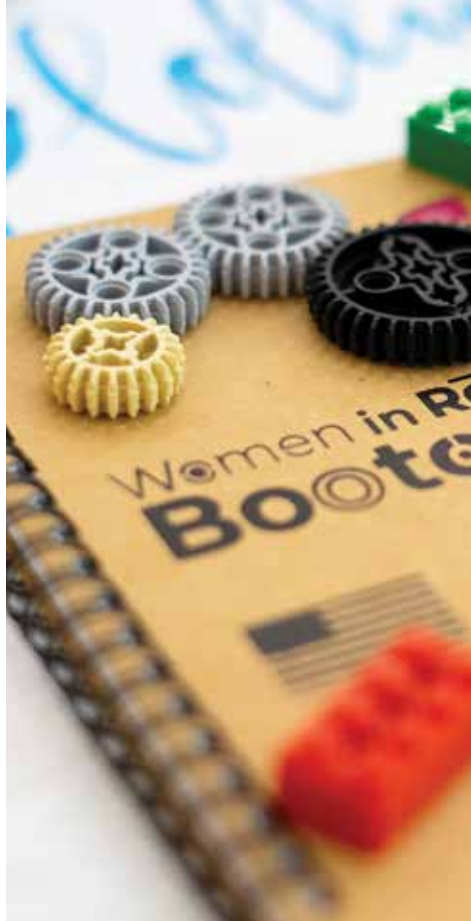
The first half of the day was devoted to conveying the basic concepts of computer science and coding.

One activity had the students stand back to back, with one student facing a picture of a robot projected on a screen. That person tried to communicate directions to the one facing away from the picture to draw the robot. Another activity had students do a block coding exercise using website.code.org to program dancing characters with music and special effects.

The second half of the day was devoted to hands-on robotics with the LEGO Spike kits. To gain familiarity with Spike, students started with a tutorial to build a robotic rhino that would drive along the floor, and build a dancing person.

This robot was built to bring jewelry to a user on demand.





The bootcamp used LEGO Spike Robotics kits to teach about 75 women the fundamentals of coding and robotics.

Then they were given a short lesson about human-centered design before being unleashed on an open-ended challenge to build a robot to solve a problem in their lives.

In just 90 minutes, the women built wonderful working robots and presented them to the rest of the group. Some robots were for identifying intruders or opening doors; others were for indicating the weather or identifying the flavor of a juice box for blind or color-blind people.

During the teacher session, Sharpe and Dr. Jones provided additional tips and resources to help the teachers deploy computer science and robotics exercises in their own classroom.

At the end of the program, representatives from the U.S. Embassy dropped in to check out the great work of the students and teachers, and share information about Embassy-sponsored programs such as Young Leaders of the Americas Initiative and Education USA that could help the women bootcamp attendees get opportunities to work, live and study in the United States.

Burying the bias

STEM education is increasingly important to increase societal technical knowledge, and to train engineers and technologists to create and maintain the technology that buttresses our culture.

Sadly, women are often left out of the conversation as historically, tech has been the playground of men and the mythology of the nerd in the garage building prototypes and computers. Subsequently, the way technology is taught skews toward the male-centric.

Fortunately, it does not take long to update this thinking. After just a day of immersive, inclusive and hands-on training, the women in the program had more confidence and familiarity with tech and vowed to make it part of their studies. The teachers were excited to bring it home into their classrooms. 🤖

Left to right, above: A mural at the Instituto Cultural Dominicano highlights the close ties between American and Dominican cultures; working pieces dot the program book; Koral Nuñez shows off her dancing robot build.

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.



2-Part Patent Reform

THE TIME IS RIGHT FOR A PILOT PROGRAM THAT COULD EQUALLY PROTECT ALL INVENTORS **BY JOHN POWERS**

THE U.S. patent system unjustly favors a select group of inventors.

Let's say you just spent 20 hours inventing a patentable mousetrap that you know will bring \$50,000 to your business. And that you just spent 20 years inventing a patentable car that can be powered by a one-ounce glass of saltwater and run for 20,000 miles while only emitting cool water vapor (e.g., a \$500-billion-design).

In the first situation, because the all-in costs to simply procure (e.g., not even enforce) a utility patent are between \$20,000 and \$30,000 regardless of the patent practitioner used, the U.S. patent system has no interest in protecting your patentable invention. In the second situation, because every patent will have the exact same strength in future litigations, the U.S. patent system cannot be trusted to safeguard your secrets when you reveal them.

In the July 2024 *Inventors Digest*, my article, "We Need Tailored Patents" set forth a patent reform proposal called patent durability—one that would unquestionably change the engine of today's U.S. patent system by front-loading patent procurement and substantially minimizing patent litigation.

Pursuing this proposal in a strategic manner is advantageous for a number of reasons.

Deterring infringers

First, patent durability ensures that the USPTO equally considers the interests of all inventors. It does this by proposing low-strength patent protection for low-dollar inventions like the mousetrap, and high-strength patent protection for high-dollar inventions like the saltwater car.

If patent protections were placed around technology in this manner, trust would begin to develop between users of inventions and inventors. This would cause the flow of money in the patent system to be cleaner, allowing

all inventors to receive just compensation via patents.

Second, patent durability would cause more invention disclosures to be made publicly accessible to everyone. It would do this by enticing inventors of both low-dollar and high-dollar inventions into the patent system—which would result in the secrets of their inventions being known to everyone.

To achieve these advantages, a first step of implementing the reform would be for the USPTO to offer a pilot program that allows inventors to protect themselves via both a low-strength and high-strength component of patent durability on the date they file their patent application:

A) Low-strength component: Allow inventors to cap future damages associated with a patent to a set amount when they file their patent application, and in exchange pay a proportionate reduction in all USPTO fees—including maintenance fees—via an actuarial process. This would prevent patent owners from seeking large,

unjust sums of money when enforcing their patents and would also make patent protection more affordable for low-dollar inventions.

B) High-strength component: Allow inventors to require future defendants to pay an increased amount of money to institute inter partes review in litigation, and in exchange pay a proportionate increase in all USPTO fees, including maintenance fees, via an actuarial process.

This would make infringing such a patent more costly, which would better safeguard high-dollar inventions.

Implementing this pilot program would bring more inventors into the patent system—those who are currently excluded for unjust reasons.

Yes, there would be an influx of new patent filings, which is why the implementation of the program would need to be strategic. However, litigating any one of these new patents would be

My proposal would allow better protection for inventors, via both a low-strength and high-strength component of patent durability on the date they file their patent application.

done with far fewer back-and-forth communications than today's patents, which would significantly reduce congestion in federal district courts.

Further, if other components of patent durability were implemented in future pilot programs, including actuarial incentives to minimize numbers of filed claims and to cap the patent term, congestion at the USPTO would also decrease significantly in addition to providing further reductions in federal district court congestion.

A long shot worth taking

It goes without saying that these two proposed changes would revolutionize the U.S. patent system.

As such, it's difficult to see how momentum can possibly be built for their introduction. However, there's a particular scene in "Field of Dreams" in which Ray Kinsella, played by Kevin Costner, is considering giving up the baseball diamond he built in the middle of his Iowa cornfield for financial reasons.

During the scene, a character named Terence Mann, played by James Earl Jones, says to Ray, "The one constant through all the years, Ray, has been baseball. America has rolled by like an army of steamrollers. It has been erased like a blackboard, rebuilt and erased again.

"But baseball has marked the time ... Oh ... people will come [to see the baseball diamond], Ray. People will most definitely come."

His point is well taken: People will act, even in the face of large amounts of risk, if a constant is evident.

But he is wrong in thinking that baseball is the only constant in America. Without invention, people do not survive hardships; efforts to move humanity forward are lost.

To that end, perhaps it is time for initial steps toward building a new engine for the U.S. patent system, starting with the pilot program outlined above.

Perhaps such an engine would better serve invention. Perhaps it would equally serve all inventors. Perhaps American inventors do, in fact, believe that their \$50,000 patentable inventions are not respected by the U.S. patent system, and their \$500 billion-dollar patentable inventions are copied differently than other inventions. 📌

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



Finding a Good Patent Attorney

SHOW YOU ARE SERIOUS BY UNDERSTANDING HIS OR HER BUSINESS, DOING YOUR HOMEWORK **BY GENE QUINN**

I T IS IMPORTANT for inventors to understand there is reluctance among some patent attorneys to take on “independent inventors” as clients.

Part of the problem is that some independent inventors take up an extraordinary amount of time and rarely convert into clients.

Even if they do convert into clients, many want to pay a low rate for certain agreed representation and are upset when more is not done by the attorney. I have even heard inventors openly complain that their patent attorney wants to charge them every time they call.

It is important to remember that the only thing an attorney has to sell is time, whether that be to perform legal services or give advice. Giving time away for free on a routine basis is a recipe for business disaster for an attorney.

With this in mind, how does a serious inventor find the help he or she needs and a reputable, experienced patent attorney?

Such inventors will do themselves a great favor if they try to understand the business realities facing the patent attorney.

The initial contact is quite important. Asking for a free consultation may set you off in the wrong direction.

There are only so many hours in a day to work, and spending a lot of with those who are not likely to turn into clients, or good clients, is not typically a winning business strategy. Therefore, you want to present from the outset as someone who is serious. Keeping this in mind will pay dividends as you seek a patent attorney you are comfortable with, who you trust and is

able to collaborate with you to form a good and prosperous working relationship.

Don't fish for free information

The initial contact is quite important. Asking for a free consultation may set you off in the wrong direction. A reputable and experienced patent attorney likely does not need your work and will not likely engage in an interview process.

Perhaps things should not be this way, but many patent attorneys get calls all day from inventors who want to ask questions and get free advice. This is why we no longer have our phone number on the website and why we greatly prefer initial contact initiated by electronic message.

In our experience, those who initiate with a call tend to not turn into clients. In fact, most of the time when we would return a message left on voice mail, the inventor would say something like, “OK, who are you again? I’ve called so many attorneys today I don’t know who you are.”

Open mouth, insert foot. That is the tell-tale sign of someone who is fishing and not serious.

If you want to be taken seriously in business, you should do everything you can to approach the business of inventing as that: a business. If you are just calling around for the first patent attorney who will return your call, that doesn’t suggest you are that serious.

There are other ways to educate yourself that don’t require eating the time of a professional who only has time to sell. For example, most any preliminary question a newbie inventor could ever ask is answered on the pages of IPWatchdog.com. I recommend starting on IPWatchdog’s Inventing Page.

Taking even a modest amount of time to handle inquiries by those fishing for free



information and advice on how they can represent themselves without hiring an attorney causes the attorney to eat up valuable time that could be spent working, earning or engaging in activities likely to bring in paying clients. This is the reality of working with independent inventors, and it needs to be understood.

If you know the business reality of the patent attorney you are contacting, you are likely to understand the dynamic of the initial contact and present in such a way as to maximize getting good help, or at least pointed in the right direction. So inventors who call or otherwise contact a patent attorney should do whatever possible to initially come across like a serious prospective client, not someone looking to get questions answered so they can do it themselves.

This is not to say that you should not ask questions, but if you know you are not going to hire the person you are calling and you only want to ask general questions, you should probably be calling the USPTO Inventors Assistance Center. It is one of the better services provided to independent inventors by the USPTO.

Attorneys like referrals

If you are going to call or otherwise contact a patent attorney, I recommend you do some homework on that professional before your call. Do an internet search to see what you can find out about the attorney and the firm with which he or she is associated.

Particularly look to see if there is anything that ties the attorney to one of the many well-known and dubious invention promotion companies. Stay away from any attorney who does work for invention promotion companies. Also, contact the USPTO and the State Bar Association where the attorney is admitted and ask if there have been any complaints filed against him or her.

Another good way to find a patent attorney is to join an inventors group and ask the members for recommendations. Most patent attorneys get business through referrals from happy clients, and you might not otherwise be able to find them—given all the advertising on the internet by the more dubious companies in the invention space.

With a referral, you are also likely to get through to an attorney easier, and he or she is likely to treat you as a real prospective client rather than someone calling around for free advice.

I know from personal experience that when someone has been referred to me by a colleague, client or former client, this bumps them to the front of the line. It means there is a certain seriousness and a certain amount of vetting has already been done by someone I know and likely trust.

Even if all you have are general questions, being referred moves you to the front of the serious line—if for no other reason than someone you know, perhaps a very good client, has asked you to take a moment to chat with someone.

Happy inventing. 🍷



Too Much Information?

BILL THAT WOULD REQUIRE DISCLOSURE OF FUNDERS
IN INFRINGEMENT CLAIMS MAY GO TOO FAR **BY LOUIS CARBONNEAU**

THERE'S ANOTHER piece of proposed legislation in the tug of war between those who want a stronger U.S. patent system (inventors/innovators and those who fund them) and those who prefer to integrate technologies developed by others without having to pay a fee (implementers).

Pushed by U.S. Rep. Darryl Issa (R-California) and called the Litigation Transparency Act of 2024, its purpose is to force the full disclosure of not only the identity of the funders who help inventors with their patent infringement claims but also the actual terms they entered.

Although I am personally not opposed to disclosing the identity of a funder—as long as we have the same standard for those who hide behind Unified Patents to challenge the validity of issued patents—disclosing business terms between the funder and inventor should absolutely remain confidential. Otherwise, the defendants know exactly how much money is available at each given milestone, and they can play a war of attrition accordingly without any regard to the actual merits of a case.

This is the same issue we had a decade ago with publicly traded IP companies (PIPCOs). Anyone could see the other's balance sheet and adapt their litigation strategy to bleed them off.

The proof is in the pudding. There used to be dozens of PIPCOs and even a PIPCO index in which anyone could invest. Now they are all gone, give or take a couple brave ones. 🍪

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.



EUROPE TIGHTENS PATENT RULES

The European Patent Office introduced stricter eligibility criteria for patents, making it more difficult to obtain patents for certain types of inventions.

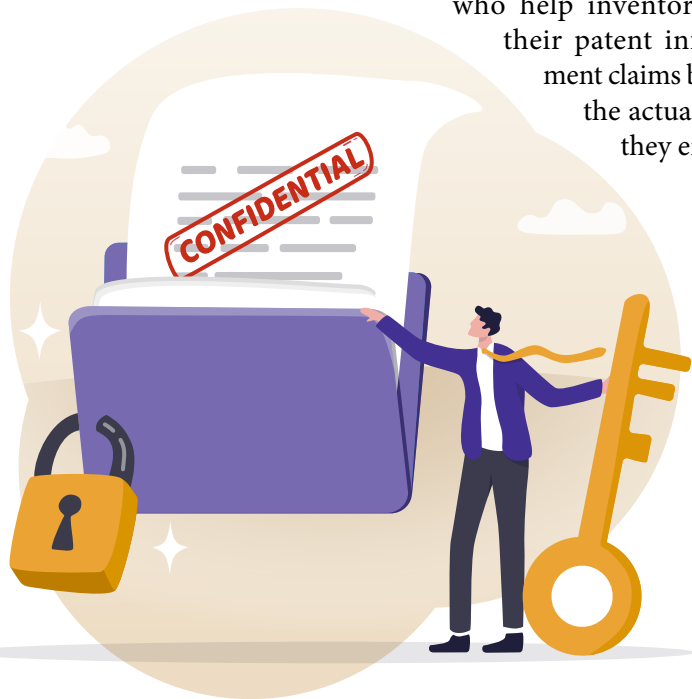
This move aims to improve the quality of the European patent system and reduce the number of patents that will later be found invalid. While this may be a positive development for patent holders, it could also make it more challenging for innovators to protect their ideas in Europe.



RULING MAY RAISE DAMAGE AWARDS

A recent Supreme Court decision that clarifies the scope of recoverable damages in cases of willful infringement has the potential to significantly affect patent litigation.

Previously, there was some ambiguity about what constituted "willful" infringement, making it difficult for patent holders to claim the full extent of their losses. This new ruling could lead to higher damage awards, potentially deterring infringement and increasing the value of strong patent portfolios.



The ABCs of NDAs

UNDERSTANDING THE CONFIDENTIALITY AGREEMENT THAT FITS YOUR INVENTING OR BUSINESS PURPOSE **BY GENE QUINN**

A **CONFIDENTIALITY** Agreement, also known as a non-disclosure agreement or NDA, is a contract between two or more parties in which the subject of the agreement is a promise that information conveyed will be maintained in secrecy.

These agreements can be mutual agreements where both parties are obligated to maintain secrecy, or they can be unilateral agreements, where only the receiving party becomes obligated to maintain secrecy.

Mutual confidentiality agreements are useful when both parties will be conveying confidential information, such as for inventor groups. Unilateral confidentiality agreements, probably most common in the inventing arena, are used when only one party is turning over confidential information—perhaps to a potential investor or prospective licensee.

You can use a nondisclosure agreement to protect any type of information that is not generally known.

The creation of a confidential agreement is really the creation of a confidential relationship. Generally speaking, such confidential relationships can usually be created both in writing and orally.

It should be noted, however, that although some court cases in some jurisdictions do allow oral creation of such a relationship, and some court cases in some jurisdictions do allow actions to be used as evidence of the creation of such a relationship, you should never rely on or anticipate that a court will enforce an oral agreement or an agreement based only upon action.

The reason: It is exceedingly difficult, if not impossible, to prove the existence of an oral agreement and/or actions that suggest the creation of such an agreement. This is because of the “he said/she said” problem.

Essentially, a case that relies upon an oral agreement will be decided based on who is believed.

Don’t put yourself in this situation if you can avoid it. You should always get the agreement in writing (whenever possible), even if you need to water it down a little to get a signature.

Free sample agreements online

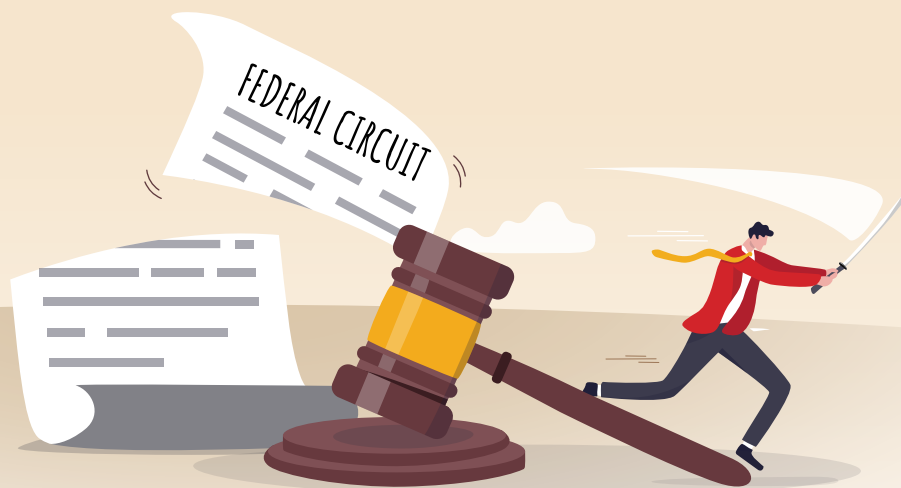
IPWatchdog has several free sample confidentiality agreements that you can take and use as you see fit. These are available on the IPWatchdog.com site at Free Sample Agreements.

There are four sample agreements. Two of them are simple agreements—one drafted primarily for use by an individual wishing to disclose information that needs to be kept secret to another individual, and another drafted primarily for use by an individual wishing to disclose information that needs to be kept secret to a business entity or group.

There is also a standard agreement that is more complete than either of the simple agreements, and a mutual agreement including the most common provisions that most savvy individuals and established business would expect to see. This would be appropriate for use when both parties wish to exchange confidential information. ☞



Disclaimer: IPWatchdog Inc. assumes no responsibility for any consequences that stem from your decision to use these Sample Confidentiality Agreements. If you have questions about whether any particular Confidentiality Agreement is appropriate, you should consult an attorney. Use of any of the Sample Confidentiality Agreements on IPWatchdog.com signifies acceptance of these terms.



Time to Ax the Federal Circuit?

RESEARCH SHOWS U.S. APPELLATE COURT RARELY INVOLVED IN PRECEDENTIAL PATENT DECISIONS **BY GENE QUINN**

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

DO WE still need, or even want, the United States Court of Appeals for the Federal Circuit?

Not too long ago, I was having a conversation with several well-known observers of the federal circuit. They pointed out to me that in recent months, very little of what the federal circuit is doing has anything to do with patents at all.

So, rather than let the anecdotal lead me to a potentially inaccurate conclusion, I went to the federal circuit website and created a spreadsheet with every action the circuit has taken over six months, starting with April 1, 2024.

During that time, only 6.3 percent of federal circuit actions have been precedential patent decisions—and one of those allegedly precedential decisions was simply an order to rehear a case en banc. (*Editor's note: An en banc session is one in which all the judges of a court sit to hear a case.*) Also, during those six months, only 9.3 percent of actions by the federal circuit were non-precedential opinions in patent cases.

So, that means that only 15.6 percent of what the federal circuit is engaged in relates to patent cases where any opinion, precedential or otherwise, is written.

Rule 36—one-sentence decisions affirming the court or tribunal below—made up 9.1 percent

of federal circuit actions, and 15.2 percent of actions were one-page orders accepting or ordering dismissal of the appeal either because the case settled or because a party did not file a brief.

Meanwhile, 7.7 percent of federal circuit actions have been precedential decisions in non-patent cases—which leaves 52.4 percent of actions by the federal circuit over those recent six months being non-patent, non-precedential actions, orders or opinions.

So even if we assume all Rule 36 decisions are in patent cases, that means only 24.7 percent of federal circuit actions relate to patent cases decisions, opinions or orders, while 60.1 percent of federal circuit actions relate to non-patent cases.

Fewer judges, doing less

To put this into further perspective, since April 1, the federal circuit has issued only 36 precedential decisions in patent cases. The court currently has 12 full-time judges and seven judges on senior status.

However, Judge Pauline Newman has been indefinitely suspended. And while many in the industry are unaware, Judge S. Jay Plager has similarly been sidelined by Circuit Chief Judge Kimberly Moore—who has taken away his clerks, his office, and his computer, and has not assigned him any cases for several years. (*Editor's*

note: In a controversial decision in September 2023, Judge Moore suspended Judge Newman, now 96, due to concerns she is no longer fit for her job. Judge Plager is 93.)

So, that means 11 full-time judges over this relevant time frame—and with each of six senior judges, generally speaking, doing one-third of a full-time case load, that leaves 13 full-time equivalent judges. This translates to 5.5 precedential patent decisions per full-time equivalent judge on a yearly basis.

If so little of what the federal circuit is doing relates to patents, why do we need or want a “patent court”?

If so little of what the federal circuit is doing relates to patents, why do we need or want a “patent court”?

Meanwhile, what decisions the federal circuit does issue are panel dependent and show not a care in the world about the court’s original mandate, which was to create a unified national patent law and recognize that at least some patents have to be valid and enforced. And now, over the past two years, we have an inexplicable usurpation of authority with the virtual impeachment of Judge Newman.

If these judges are so unfamiliar with basic due process and the opportunity to be fairly heard, why should anyone believe they are themselves competent to be judges on any level?

The federal circuit is a mess, and it is time to seriously question whether it is needed any more. 🍷

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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Best wishes, Jack Lander



A Leader's Imperative

USPTO DIRECTOR DISCUSSES AMERICA'S NEED TO KEEP PROMOTING DIVERSITY IN IP LEADERSHIP **BY EILEEN MCDERMOTT**

ON DAY 1 OF IPWatchdog's inaugural Women's IP Forum, which was also National Women's Equality Day, United States Patent and Trademark Office Director Kathi Vidal shared her insights for women seeking to move into leadership positions in IP.

She also addressed the challenges she has had to face along the way, personally and professionally—from being told she shouldn't play guitar or drums at age 7 to redirecting (and even harnessing) misogynist comments and bullies she has encountered.

Vidal spoke with IPWatchdog Chief Operating Officer Renee Quinn, who asked her about her personal and policy reasons for focusing so firmly on diversity in IP during her tenure.

Vidal explained that her commitment to promoting women in leadership started when she was told the guitar and drums are only for boys. But now her concerns have turned to the future of the United States.

"We have to stay in front of things," Vidal said in the August 26 interview, noting that the USPTO has increased diversity of leadership by 5 percent in one year.

"It's a national imperative that we focus on bringing everyone into the system. Every country is focused on this. We are leading, but they will learn from us—and if we don't keep the pedal to the metal, we'll fall behind."

Her list of challenges

In addition to the USPTO's efforts to expand the patent bar, Vidal has been focused on implementing a National Strategy for Inclusive Innovation, which "aims to lift communities, grow the economy, create quality jobs, and address global challenges by increasing participation in STEM, inventorship and innovation among youth and those from historically underrepresented and underresourced communities."

Vidal also addressed agency challenges she is focused on at the USPTO—such as rethinking the structure of the patents department; being an integral part of policy discussions across U.S. government with IP in mind; pendency, and IT improvements.

She published a Director's Blog post in July that discussed the office's current backlog of patent and trademark applications, in which she said "unpredictable macro effects, including a pandemic that had an outsized impact on our application inventories, have created an 'inherited backlog' of both patent and trademark applications."

"Pendency is a challenge," Vidal said in the IPWatchdog interview, adding that "there were decisions made in 2019 that put our backlog on a linear trajectory upward."



“Every country is focused on this. We are leading, but they will learn from us—and if we don’t keep the pedal to the metal, we’ll fall behind.” —USPTO DIRECTOR KATHI VIDAL



She said the office is attacking that problem by hiring 1,600 patent examiners in fiscal year 2025, according to Elizabeth Dougherty, USPTO regional outreach director for the Eastern Regional Office.

Stunned by personal attacks

Asked what advice she would give herself at the start of her term as director in April 2022 if she had the knowledge she does today, Vidal said she wasn’t prepared for the personal attacks she would endure. She recounted how, soon after being appointed, one of the first comments she remembers seeing in a story about her had to do with her weight.

Vidal mentioned that she tries to spin such negative comments as positive: For instance, IPWatchdog Founder and CEO Gene Quinn noted that such remarks signal the source must have no substantive criticism. But she said, “We need to do a better job of creating a culture where that’s just not acceptable. I wish we could do

something as a community to solve for that.”

As for her words of wisdom to younger women looking to move into IP leadership positions, Vidal said, “I will say, I’m an optimist.” She told attendees to “Wake up with hope and surround yourself with positive people.”

She also said that women in particular need to transcend the “ask bias” in order to ask more aggressively for the things they need.

“Men asked me all the time if I would promote them when I was in leadership,” Vidal said. “Think about the ask bias and come up with a way to ask that’s authentic to you.”

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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IoT Corner

A huge botnet linked to China was recently uncovered and dismantled by the FBI.

The network, **Raptor Train**, had been running since 2020. It infected more than 200,000 IoT devices from ASUS, Fujitsu, Panasonic and others.

Botnets are a group of computers or devices infected with malicious software, often for nefarious purposes. Most of the devices in the Raptor Train have been found in the United States and Taiwan, targeting government, military and higher education networks. This will likely not be the last time U.S. systems are targeted.

—Jeremy Losaw



Wunderkinds

Sirish Subash, a ninth-grader from Snellville, Georgia, is this year's first-place winner in America's Top Young

Scientist competition for inventing PestiSCAND, which detects pesticides

on produce. Sirish, 14, used the AI-based,

handheld device to identify pesticide residues on spinach and tomatoes and got an accuracy rate greater than 85 percent.

The FDA says 70 percent of produce items contain pesticide residues. The lingering effects can lead to brain cancer, leukemia, Alzheimer's and Parkinson's Disease.



What IS That?

They're called **Chips Finger Tips**, fingertip covers you can use when eating chips. No more salty or orange fingers! (Wait—isn't that part of the fun?) Another possible use is as protection when working on projects; the fingertips are said to be non-stick and withstand high heat.

Get Busy!

Doesn't November sound like a great time to get away for a pool and spa conference? The International Pool, Spa and Patio Expo, November 12-14 at Dallas' Kay Bailey Hutchinson Convention Center, showcases the latest innovation in this popular field. poolspapatio.com

WHAT DO YOU KNOW?

In celebration of our 100th quiz (dating to our first one in August 2016), we're serving up a 100 theme this month.

1 According to Back Then History, which school-related invention made its debut "around" 1924, 100 years ago?

- A) Chalkboard
- B) Spiral notebook
- C) Calculator
- D) Slide rule

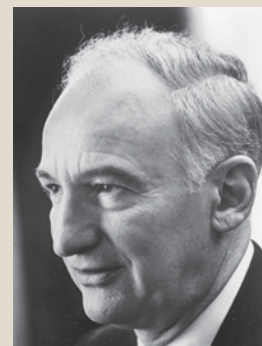
2 True or false: The U.S. Patent and Trademark Office celebrated its 100th anniversary in 1902.

3 Which inventor reached 100 patents in fewer years—Thomas Edison, or Benjamin Franklin?

4 True or false: The NFL has more than 100 Super Bowl-related trademark registrations.

5 The oldest person to receive a U.S. patent was what age?

- A) 89
- B) 100
- C) 105
- D) 111



ANSWERS: 1.B. 2.True. 3. Franklin never sought or owned a patent, believing "We should be glad of an opportunity to serve others by any invention of ours; and this we should do freely and generously." 4. False. Not even close; it only seems like it. 5.B. Scientist Simon Ramo was granted U.S. Patent No. 8,606,170 for "Method and apparatus for interactive, computer-based, automatically adaptable learning" in 2013. He died in 2016.

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