

# Inventors

DIGEST



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ANTICIPATION

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## White House Honors America's Best

*25 recipients named for National Medal of Technology and Innovation, National Medal of Science*

Among those honored at the White House on January 3 were (left to right) Paul G. Yock, Feng Zhang, David R. Walt, Alejandra Gurtman (Pfizer), Annaliesa Anderson (Pfizer), Kristina M. Johnson, Victor B. Lawrence, Noubar Afeyan (Moderna), Hamilton Bennett (Moderna), Paula T. Hammond, Eric R. Fossum and Martin Cooper.

The “father of the cellphone” is among the 45th anniversary class of the National Medal of Technology and Innovation (NMTI), furthering a tradition of America’s leading role in invention and innovation.

Dr. Martin Cooper, 96, who made the first cellphone call on April 3, 1973, while working for Motorola, was among 11 NMTI laureates presented their awards by the Joe Biden White House during a January 3 ceremony that included 14 National Medal of Science laureates. The NMTI—the nation’s highest honor for technological achievement—is awarded to individuals, teams (up to four individuals), companies or divisions of companies for their outstanding contributions to America’s economic, environmental, and social well-being.

The NMTI is administered by the USPTO on behalf of the Department of Commerce.

Established in 1959, the National Medal of Science (NMS) is administered for the White House by the National Science Foundation. The medal recognizes individuals who have made outstanding contributions to science and engineering.

The NMS was awarded to 14 recipients. Nine individuals were given the NMTI, along with two organizations—Moderna Inc. and Pfizer Inc., for their mRNA COVID vaccines.

In a statement from the White House, President Biden cited the 25 recipients’ discoveries in areas such as climate crisis, medical treatments, vaccine

developments, changes in communication—even improvements in understanding of the universe and our place within it.

Cooper was honored for his work in advancing personal wireless communications for over 50 years. He has 11 patents.

Other individual NMTI selections:

- **Jennifer A. Doudna**, a Nobel laureate in chemistry and the Li Ka Shing chancellor’s chair in Biomedical and Health Sciences at the University of California, Berkeley. She is a pioneer of CRISPR gene editing.
- **Eric R. Fossum** is the John H. Krehbiel Sr. professor for emerging technologies at Dartmouth College. He invented the CMOS active pixel image sensor used in cellphone cameras, webcams, and medical imaging.
- **Paula T. Hammond**, an MIT institute professor, vice provost for faculty, and member of the Koch Institute, developed methods for assembling thin films that can be used for drug delivery, wound healing, and other applications.
- **Kristina M. Johnson**, former president of Ohio State University, was recognized for research in photonics, nanotechnology, and optoelectronics. Her discoveries have contributed to sustainable energy solutions and advanced manufacturing technologies.
- **Victor B. Lawrence** spent much of his career at Bell Laboratories, working on new developments in multiple forms of communications. He is a research professor and director of the Center

for Intelligent Networked Systems at Stevens Institute of Technology.

- **David R. Walt**, faculty member of the Wyss Institute at Harvard University, was honored for co-inventing the DNA microarray, enabling large-scale genetic analysis and better personalized medicine.
- **Dr. Paul G. Yock**, an emeritus faculty member at Stanford University, invented, developed, and tested new cardiovascular intervention devices, including the stent.
- **Feng Zhang**, the James and Patricia Poitras Professor of Neuroscience at MIT and a professor of brain and cognitive sciences and biological engineering, was recognized for his work developing molecular tools, including the CRISPR genome-editing system.

The 14 recipients of the NMS include:

- **Richard B. Alley**, the Evan Pugh University professor of geosciences at Pennsylvania State University, researches the great ice sheets to help predict future changes in climate and sea levels.
- **Larry Martin Bartels**, university distinguished professor of political science and law and the May Werthan Shayne chair of public policy and social science at Vanderbilt University. His scholarship focuses on public opinion, public policy, election science, and political economy.
- **Bonnie L. Bassler**, squibb professor in molecular biology and chair of the Department of Molecular Biology at Princeton University, researched the molecular mechanisms that bacteria use for intercellular communication.
- **Angela Marie Belcher**, the James Mason Crafts professor of biological engineering and materials science and engineering at MIT, designed materials for applications in solar cells, batteries, and medical imaging.
- **Helen M. Blau**, Donald E. and Delia B. Baxter foundation professor and the director of the Baxter Laboratory for Stem Cell Biology at Stanford University, researched muscle diseases, regeneration and aging, including the use of stem cells for tissue repair.
- **Emery Neal Brown**, Edward Hood Taplin professor of medical engineering and computational neuroscience at MIT, was recognized for his work revealing how anesthesia affects the brain.
- **John O. Dabiri**, centennial chair professor at the California Institute of Technology in the Graduate Aerospace Laboratories and Mechanical Engineering. His research focuses on fluid mechanics and flow physics, with an emphasis on topics relevant to biology, energy, and the environment.
- **Ingrid Daubechies**, James B. Duke distinguished professor emerita of mathematics at Duke University, was honored for her pioneering work on signal processing.
- **Cynthia Dwork**, Gordon McKay professor of computer science at Harvard University, was recognized for research that has transformed the way data privacy is handled involving big data and AI.
- **R. Lawrence Edwards**, regents and distinguished McKnight University professor in the Department of Earth and Environmental Sciences at the University of Minnesota, refined radiocarbon dating techniques to study climate history and ocean chemistry.
- **Wendy L. Freedman**, the John and Marion Sullivan university professor in astronomy and astrophysics at the University of Chicago, conducted observational cosmology research that included pioneering uses of the Hubble Space Telescope.
- **Keivan G. Stassun**, Stevenson professor of physics & astronomy at Vanderbilt University, was honored for his work in astrophysics, including the study of star formation and exoplanets.
- **G. David Tilman**, regents professor and the McKnight presidential chair in ecology, evolution, and behavior at the University of Minnesota, studies biological diversity, the structure and benefits of ecosystems, and ways to assure sustainability despite global increases in human consumption and population.
- **Teresa Kaye Woodruff**, a professor of obstetrics, gynecology and reproductive biology and biomedical engineering at Michigan State University, is an internationally recognized expert in ovarian biology and reproductive science.

# Rooted in Robotics

*Nationally acclaimed scientist, researcher, AI expert Ayanna Howard honored with USPTO trading card*

**D**r. Ayanna Howard liked dolls and Betty Crocker ovens as a young girl—and also robots and science fiction. Her favorite TV show, “The Bionic Woman,” aired its last episode when she was only 6.

By then, the Donruss Co. had produced 44 trading cards that featured scenes from the show and its star, Lindsay Wagner. Now, Howard has a trading card of her own.

The card, number 32 in the USPTO inventor series launched in 2012, was unveiled at January’s Consumer Electronics Show in Las Vegas—a tribute to her accomplishments as a national leader in robotics and artificial intelligence (AI), educator, entrepreneur, and the first woman in her current position as dean of The Ohio State University College of Engineering.

As of mid-2024, Howard’s research had been published in more than 250 peer-reviewed publications, according to Brown University, where she received her B.S. in engineering in 1993. She is a respected speaker on robotics, AI, and the strong need for diversity in researchers.

“One of my inventions is designing robots and embodied AI that can engage children with motor disabilities in therapy and in the home environment,” Howard told the USPTO.

“Our human-robot interactions also inject math and science education, so that as children are doing therapy, they’re also learning. I truly believe that when you are a child with a special need, when you are given the tools to solve your own [problems] and think about the world differently, you are also empowered to create your own inventions.”

A father who majored in engineering and a mother who majored in math were big influences in Howard’s life. She did not notice racial bias until her college years, when it hit hard.

In an interview with Science, she recalled she was told: “The only reason you’re here is because the school needs diversity.” And, “Maybe you should think about applying to graduate school at XYZ University; they are trying to bump up their minority numbers.”

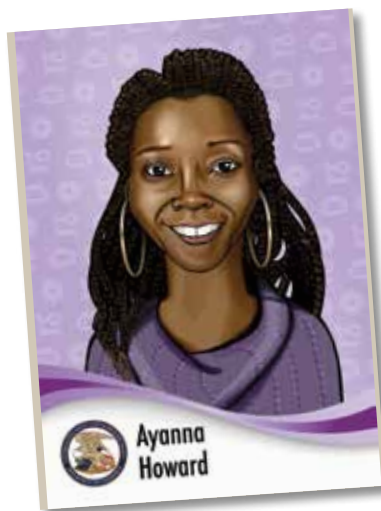
At the reveal of her card, she told the USPTO that “A lot of students and young adults and potential innovators and inventors don’t necessarily see themselves in that way.

“So one of the things that I value, and why I’m so proud of the fact that the U.S. government is doing this, is that they’re saying that innovation comes in all shapes, colors, sizes, and ages, and that’s so important for the American dream, and our value system.”

Summer internships at NASA’s Jet Propulsion Laboratory (JPL) fortified her confidence and sense of belonging. About two years before she finished her Ph.D. in electrical engineering at the University of Southern California in 1999, JPL asked her to mentor K-12 students about NASA and STEM subjects.

“I’d never thought of myself as a mentor,” she said, “but I realized that just as past words had punched holes through my soul, I could patch holes for others through my own words.” Howard strongly believes future workforces should be built on the teaching of computational skills—which lead to AI—from a very early age.

“You think about K through 12. We just assume that you will learn how to read,” she recently told Washington Post Live. “We just assume that you will learn how to do basic math skills and we’ve designed our curriculum from K through 12 so that at the end of high school you are able to read at some grade level; you are able to do some basic math. We need to do the same thing around computational skills.”



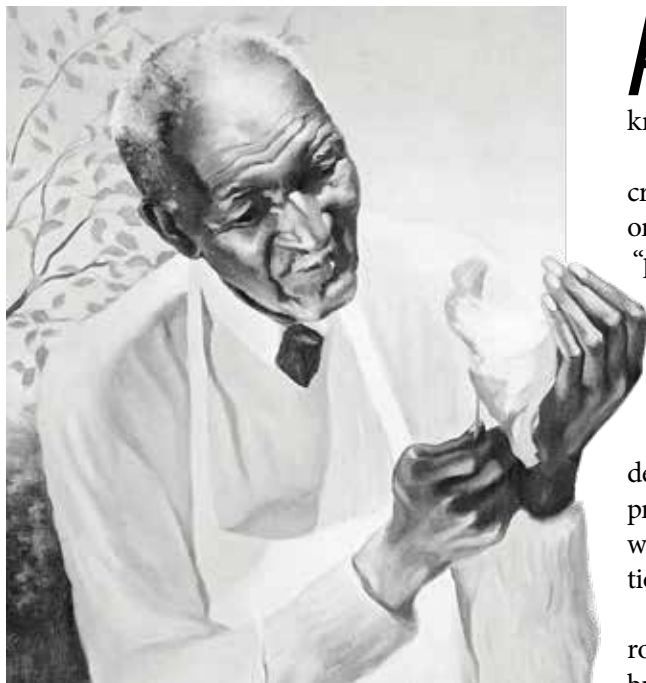
Requests for the USPTO trading cards can be sent to [education@uspto.gov](mailto:education@uspto.gov). You can also see the cards at [bit.ly/3XeRVLA](https://bit.ly/3XeRVLA).



## MAGIC MOMENT

# A Cosmetic Made From Peanuts

*100 Years Ago, George Washington Carver Received a Patent for a ‘Vanishing Cream’*



**A**mong the myths about legendary inventor and scientist George Washington Carver was that he invented peanut butter and held many patents. But it is widely known that he discovered more than 300 uses for peanuts.

One of the most creative uses was for a cosmetic vanishing cream made from peanuts, granted U.S. Patent No. 1,522,176 on January 6, 1925. The patent describes a “pomade” that will “provide a ‘vanishing cream’ of any desired or usual tint.”

Neither this nor Carver’s other two patents filed were commercially successful. His other two approved patents involved the manufacture and production of paint and stains from natural clay.

But as the first African American to earn an advanced degree in the field of agriculture, Carver—born into slavery—promoted the growth of peanuts for their nutritional benefits as well as a soil-replenishing crop alternative to cotton. His inventions and innovations revolutionized the farming industry.

Carver’s contributions to progress and prosperity are routinely celebrated not just during Black History Month, but every day in America.

## NEWS FLASH

**USPTO, NASA AGREEMENT:** The Department of Commerce’s U.S. Patent and Trademark Office (USPTO) and The National Aeronautics and Space Administration’s (NASA) Space Technology Mission Directorate (STMD) have announced a collaboration via a memorandum of understanding to promote and advance innovation through technology transfer and commercialization opportunities.

Under the agreement, the USPTO and STMD will issue a joint study focusing on intellectual property (IP) management alongside technology transfer best practices and lessons learned. Their research will also identify



barriers to participating in tech transfer and how federal agencies and academic institutions can overcome them.

**NEW AI STRATEGY:** The USPTO announced a new Artificial Intelligence (AI) Strategy to guide the agency’s efforts in fulfilling the potential of AI within USPTO operations and across the IP ecosystem. The strategy offers a vision for how the USPTO can foster responsible and inclusive AI innovation, harness AI to support the agency’s mission, and improve AI’s future. Full text of the strategy is at [www.uspto.gov/initiatives/artificial-intelligence/ai-strategy](https://www.uspto.gov/initiatives/artificial-intelligence/ai-strategy).

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## AI: A Tech Triumph With Many Losses



The eBay listing for a 235-count lot of 1976 Topps baseball cards had me on my toes—until it shot off its own foot.

There weren't enough clear photos to tell me much. Any superstars? How many duplicates? Most important, what was the overall condition?

So I went to the description, which the seller lazily left in the hands of artificial intelligence:

"The product is a lot of 235 baseball trading cards from the 1976 Topps set. The cards feature players from Major League Baseball (MLB) and were manufactured by Topps in 1976. These sports trading cards are part of a collection that includes a variety of players and can be used for collecting or trading."

Not a single word told me anything beyond the overwhelmingly obvious. I moved on to another listing; the seller lost a possible sale.

Around the same time, I got a story pitch from a tech company named QueryPal, touting how AI uses machine learning "to understand the nuances of consumer interactions." Three guesses where that email went—and the first two don't count.

*Inventors Digest* wouldn't be here if we didn't love inventing and innovation. AI is fascinating for what it can do from a tech standpoint, including benefits to humanity.

A recent *Forbes* report noted how AI can correct medical errors that affect 12 million Americans annually, costing over \$100 billion, by analyzing reports faster and more accurately than humans. It can also save lives by diagnosing medical conditions that humans can't.

But AI is teeming with inherent challenges, some involving our creative rights and even our right to work.

More than 30 lawsuits have been filed by copyright owners in U.S. federal court against AI companies. The World Economic Forum predicted that AI advancements will displace 92 million jobs, representing 8 percent of the global workforce, by 2030.

Apple recently canceled its AI-generated news alerts amid a string of embarrassingly false reports, including one about a darts superstar winning the world title before the event even began.

Just as the U.S. mass media routinely hides and misreports facts clearly in evidence, so do many full supporters of AI. As this technology evolves, let's keep an open mind regarding what AI can accomplish—and open eyes to what, for now, are very real problems.

—Reid  
(reid.creager@inventorsdigest.com)

# Inventors

DIGEST

**EDITOR-IN-CHIEF**  
REID CREAGER

**ART DIRECTOR**  
CARRIE BOYD

**CONTRIBUTORS**  
ELIZABETH BREEDLOVE  
LOUIS CARBONNEAU  
JACK LANDER  
EILEEN MCDERMOTT  
GENE QUINN  
WILLIAM SEIDEL  
EDIE TOLCHIN

**GRAPHIC DESIGNER**  
JORGE ZEGARRA

INVENTORS DIGEST LLC

**PUBLISHER**  
LOUIS FOREMAN

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**Ad rates, subscriptions & editorial content:**  
520 Elliot Street  
Charlotte, NC 28202  
info@InventorsDigest.com  
www.InventorsDigest.com  
reid.creager@inventorsdigest.com



Letters and emails in reaction to new and older **Inventors Digest** stories you read in print or online (responses may be edited for clarity and brevity):

## Golden Oops-iversary

(Editor's note: The story in the December 2024 *Inventors Digest* detailed the various copyright issues involving the movie classic "It's a Wonderful Life.")

Will any of the issues described interfere in any way with our efforts—which actually began in 1993 with a 50th Anniversary request for a 10-stamp sheet in 1996—to get the U.S. Postal Service to issue a commemorative 80th Anniversary stamp sheet (20 Forever stamps, each one a different scene from this 1946 film classic) for "It's a Wonderful Life" in November 2026, America's Semiquincentennial Year?

An article published by the *Chicago Sun-Times* on December 20, 1993, quoted Republic Pictures Chairman Russell Goldsmith: "Pardon the expression, but it's a wonderful idea."

—RICHARD BYSINA

Richard, we could not agree more with Mr. Goldsmith—or with you. As for how to proceed: Given the debate about who owns what in connection with the movie, you could contact Paramount Pictures and/or Sarah Robinson, granddaughter of Philip Van Doren Stern, who originated the story. But you may get different advice (or warnings). Good luck.

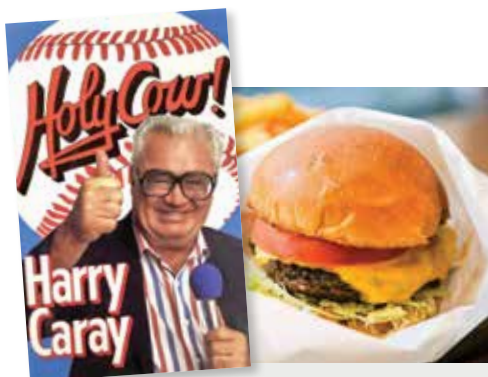
## CONTACT US

### Letters:

*Inventors Digest*  
520 Elliot Street  
Charlotte, NC 28202

### Online:

Via [inventorsdigest.com](https://inventorsdigest.com), comment below the Leave a Reply notation at the bottom of stories. Or, send emails or other inquiries to [info@inventorsdigest.com](mailto:info@inventorsdigest.com).



## 'ALL RIGHT! LET ME HEAR YOU!' CARAY SUIT ENDS

A halal burger restaurant and the owner of the trademark registration for legendary baseball announcer Harry Caray's signature "Holy Cow!" call have settled a trademark suit over the catchphrase.

Harry Caray Ltd.—owner of the "HOLY COW!" trademark for restaurant and bar services—in August accused Holy Cow Restaurant Inc. and Holy Cow Dallas LLC, which

have locations in New York and Texas, of "willfully, intentionally and unlawfully" seeking to create a false association with the company and confuse customers.

According to Sportico.com, an attorney representing Holy Cow Restaurants told Harry Caray Ltd. that Holy Cow is not infringing on the name or trademark because it doesn't refer to sports or use Caray's likeness.

Attorneys for the two companies noted the settlement January 15 in a legal filing. Terms were undisclosed.

The complaint against Holy Cow Restaurants and Dallas restaurant franchisor Adil Osamah Palwala said that in 2020, Palwala filed with the

U.S. Patent and Trademark Office an intent-to-use the mark Holy Cow for restaurant, catering and related purposes. But the USPTO refused to register the mark, "finding that a likelihood of confusion existed between the mark HOLY COW and design and Harry Caray Ltd.'s HOLY COW! Mark."

Longtime Chicago Cubs announcer Caray, who died in 1998, became famous for the expression—though it was also used by former Yankees great Phil Rizzuto. Many sources say the expression dates back more than 100 years: Some posit that the phrase might come from the respect some religions, especially Hinduism, have for cows.

# BRIGHT IDEAS

## MCON

### MOBILE CONTROLLER

[ohsnap.com](https://ohsnap.com)

This transforming, magnetically attached mobile gaming controller slaps to the back of your phone and fits in your pocket.

Press on both buttons simultaneously to activate its auto-sliding mechanism, which reveals the controller from behind your phone and slides your screen into angled position for gaming. It features friction, foldout-style grips that lock into place for ergonomics and comfort.

To facilitate use on all phones, MCON comes with two “pucks”—thin, 2.5mm discs with embedded MagSafe magnet arrays.

The controller will retail for \$149 and is to be shipped to crowdfunding backers in August.



## Wooobe

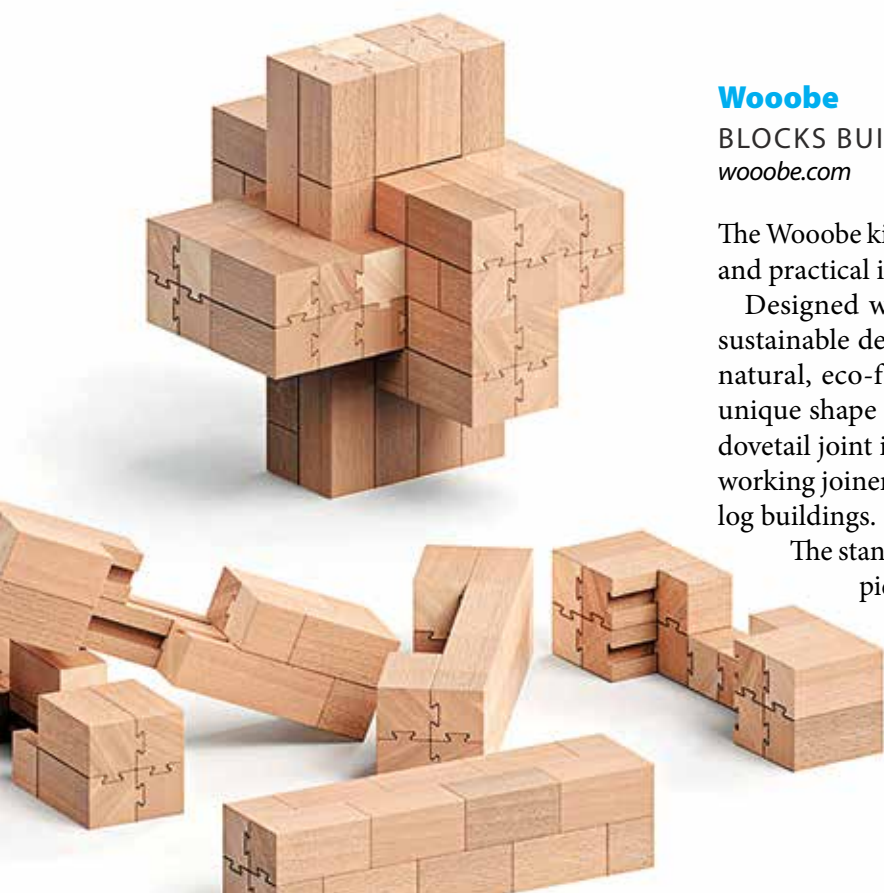
### BLOCKS BUILDING SYSTEM

[wooobe.com](https://wooobe.com)

The Wooobe kit allows the transformation of blocks into creative and practical items without glue or nails.

Designed with a vision of environmental protection and sustainable development, every building block is made from natural, eco-friendly wood, free from paint. They have the unique shape of a dove's tail and stable structural features. A dovetail joint is a joinery technique commonly used in wood-working joinery (carpentry), including furniture, cabinets and log buildings.

The standard kit, which will retail for \$128, includes 1,469 pieces and accessories that include hammers, elastic rubber bands, sticks, flocked sandpaper, hemp rope and more. It is to be shipped to crowdfunding backers in April.





## Nottadrip™

### SERVING STATION/UTENSIL REST

[bluebosti.com](http://bluebosti.com)

Billed as the world's first serving station and utensil rest, Nottadrip is a compact, clean and safe way to serve meals and organize kitchen utensils.

The tray—10.5 by 7.75 inches—comes with clip attachments to help lift, secure and organize utensils. When you're cooking, its handles are kept in an elevated position for a quick, easy grab.

The silicone tray, which has gone through vigorous testing, has a lifetime warranty. It is high-temperature dishwasher safe, up to 550 degrees Fahrenheit.

Each Nottadrip includes one utensil rest tray, two hot pot trivets and two utensil prongs. The product, which recently had its first manufacturing run, comes in seven colors and will retail for about \$35.



**“What is now proved was once only imagined.”**

—WILLIAM BLAKE

## Adaptchula™

### ADAPTIVE SPATULA

[bluebosti.com](http://bluebosti.com)

The Adaptchula features seven locking positions ranging from 0- to 180-degree angles at 30-degree intervals, depending on whether you are reaching, scooping, mixing, flipping, deglazing or cleaning. You can change the angle with a snap.

The offset handle design creates extra space that allows more clearance when approaching food from the side. This gap also provides more space when sliding under larger food items.

Two blade options include the large, which is firm and wide; and the small, which is flexible and narrow. Adaptchula's makers claim its replaceable blades last about four times longer than other spatulas. They are crafted from 100 percent food-safe materials.

The product—recently in the late stages of manufacturing—will retail for about \$28.







## NEW ORLEANS

# Sticky Distinction

LOUISIANA CAN CLAIM COTTON CANDY—SORT OF  
—AS A HIGHLIGHT AMONG ITS WELL-KNOWN INVENTIONS

BY REID CREAGER

**W**E'VE GOT an illegal procedure call against the operators of the Caesars Superdome in New Orleans, home to this year's Super Bowl on February 9.

Even though cotton candy has been claimed as one of Louisiana's signature inventions, we could not find it on the stadium's exhaustive food and snack list. Maybe this was an error of omission on the sites we checked—one of which seems uncertain whether the stadium's NFL tenants are a football team ("Food Options to Try While Enjoying a New Orleans Saints Match").

And how dare the stadium braintrust let themselves be upstaged by another NFL team when it comes to crazy cotton candy creativity?

Before the 2024 season, the Arizona Cardinals announced they were debuting a cotton candy burrito at the club level of State Farm Stadium. Deemed "deliciously horrifying" by one national news outlet, the concoction features cotton candy-flavored ice cream mixed with Fruity Pebbles, Foot Loops, marshmallows, Skittles, mini-M&Ms, gummy bears and sprinkles—all wrapped inside a cotton candy shell.

This savagely sweet sensation went viral almost instantly. The team decided to make it available throughout the stadium.

Maybe the apparent menu oversight at the Superdome is because Louisiana's cotton candy connection is often overstated. At least one internet site proclaims cotton candy was invented in the 1920s by dentist Joseph Lascaux of New Orleans, who patented a more advanced device for spinning sugar.

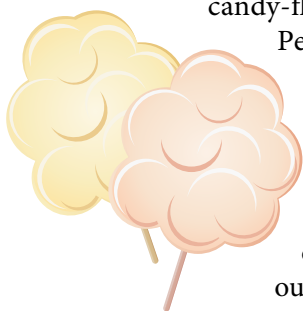
Wrong: Cotton candy's origins date to 1400s Italy, when chefs are known to have melted huge pans of sugar and spun it using a method involving a fork to flick strands of it over a broom handle.

Wrong: Lascaux never got a patent.

Wrong: His name was Josef, not Joseph.

Wrong: As *Inventors Digest* told you three years ago in a story about inventions from Nashville, modern cotton candy was invented in 1897 by William Morrison and John C. Wharton, who teamed to invent machine-spun candy and introduced it at the World's Fair in 1904. Lascaux merely improved on the original device after its U.S. patent—No. 717,765, granted on January 6, 1903—expired 17 years to the day.

This much is correct about Lascaux: He changed the name of the confection from fairy floss to cotton candy, although contrary to some reports, he never trademarked it. And ironically, he and Nashville's Morrison were both dentists.



Other invention claims from Louisiana—some more legitimate than others:

### **Poker**

Similar to cotton candy and roots that spin back for centuries, poker is said to have originated nearly 1,000 years ago in various continents and cultures.

According to the trusted history.com, some historians say the game “can be traced to a domino-card game played by a 1100s Chinese emperor; others claim it is a descendant of the Persian card game ‘As Nas,” going back to the 1500s.

The equally reputable poker.org says the game as we know it today originated in New Orleans in 1829, played with a stripped, 20-card deck. Its goal was for four players to bet on who had the strongest five-card hand. Texas Hold’em evolved from this.

Per onlyinyourstate.com, one of the earliest forms of poker got its start on the docks of New Orleans, called poque—“a popular game enjoyed by sailors, fishermen, and traveling merchants before it crept into New Orleans saloons and underground gambling dens. As the game traveled up and down the Mississippi River, more and more people were introduced to the game.”

### **Craps**

We’ll just call him JB.

Jean-Bernard Xavier Philippe de Marigny de Mandeville, French aristocrat and one of the most colorful figures in Louisiana history, is said to have introduced this ancient English game to slaves in Louisiana during the early 1800s.

Urban legend says players sometimes hunched like toads on sidewalks, so the term “craps” originated from the French word “crapaud,” meaning “toad.”

JB was a busy guy. He has been described as a French- Creole American nobleman, playboy, planter, politician, duelist, writer, horse breeder and land developer. Whatitmeanstobeanamerican.org says he built New Orleans’ first subdivision.



### **Tabasco**

There’s some hot debate here, but the two most common versions of tabasco’s origins involve Louisiana.

The hot sauce is made by the McIlhenny Co. of Avery Island in southern Louisiana. The company says it was created in 1868 by Edmund McIlhenny, who moved from Maryland to Louisiana around 1840.

However, an excerpt from the book “McIlhenny’s Gold” by Jeffrey Rothfeder says New Orleans plantation owner Maunsel White metaphorically planted that fiery flag first. He was “famous for the food served at his sumptuous dinner parties. Mr. White’s table no doubt groaned with the region’s varied fare—drawing inspiration from European, Caribbean, and Cajun sources—but one of his favorite sauces was of his own devising, made from a pepper named for its origins in the Mexican state of Tabasco. ...

“Although the McIlhennys have tried to dismiss the possibility, it seems clear now that in 1849, a full two decades before Edmund McIlhenny professed to discover the Tabasco pepper, White was already growing Tabasco chilies on his plantation.”



**The name cotton candy originated with a New Orleans dentist who invented a more advanced device for spinning sugar.**

### **Deep-fried turkey**

More debate. Is it really a point of pride to be the first people to dump a turkey into a boiling pot of hot grease?

For those who love the taste, the answer is a resounding yes.

Cajun chef and culinary host Justin Wilson said he saw someone deep-fry a turkey in the 1930s. But it is generally agreed that this dish only goes back 40 years or so.

Seriouseats.com reported: “In December 1982, Gary Taylor, a United Press International reporter, filed a dispatch from Church Point, a small town of about 4,500 people in southwest

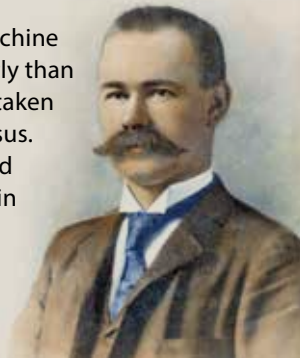
## INVENTOR ARCHIVES: FEBRUARY

**February 29, 1860:** Herman Hollerith, who invented the first electric tabulating machine, was born.

Hollerith got his idea for a punch-card tabulation machine when watching a train conductor punch tickets. The punch card was invented in the early 1800s.

In 1881, he began designing his machine to tabulate census data more efficiently than by hand. The U.S. Census Bureau had taken eight years to complete the 1880 census.

Hollerith's punch-card device helped analyze 1890 U.S. census data. His main innovation was using electricity to read, count and sort punched cards whose holes represented data gathered by census takers.



Louisiana. 'A few daring cooks,' he reported, 'have developed a new way to prepare a holiday turkey. They deep fry it—whole.'

Some say the process goes back a decade further, when propane gas facilitated the process:

lowering a turkey with a hanger-type apparatus into a large vat of oil heated with propane for 4-5 minutes per pound.

### Smoothie King

After cotton candy, tabasco and deep-fried turkey, what the health is this entry doing here?

Steve Kuhnau opened The Smoothie Bar in 1973 in Kenner, Louisiana, to provide a more healthful eating alternative in the New Orleans area. He experimented with fruits and proteins into smoothie blends.

He became a strong proponent of smoothies for health and in 1989 founded Smoothie King Franchises with his wife, Cindy. Today, Smoothie King has hundreds of locations in the United States as well as locations in South Korea, the Cayman Islands, and Trinidad and Tobago. 🍌





*Kathryn Vatt*  
Founder & Chief of Intellectual Property

- + FORMER USPTO PATENT EXAMINER
- + TOP 30 PATENT DRAFTERS & PROSECUTORS
- + TOP 100 INNOVATORS

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## PART 2 OF 2

# More Facebook Fresh!

ANOTHER 7 IDEAS FOR THE NEW YEAR TO ENSURE YOUR POSTS SPARK INTEREST AND ENGAGEMENT **BY ELIZABETH BREEDLOVE**

**L**AST MONTH'S issue provided eight fresh ideas for inventors on Facebook to captivate audiences by showcasing innovative products—as well as their ingenuity and expertise—while sharing their brand story.

With more than 3 billion active monthly users, Facebook is an essential means for marketing your invention. Always be open to more ideas that could make yours stand out.

These seven additional concepts tailored for beginning or experienced inventors can help you build connections, spark curiosity and drive meaningful interactions with your audience.

## 1 Showcase real-world applications.

*Why it works:* Demonstrating how your invention works helps potential customers visualize its value in their lives.

*What to post:* Demo videos show your invention solving a problem or enhancing a task. Provide instruction for how and when to use it.

Before-and-after photos highlight the difference your invention makes in people's lives or how it can help them solve a problem.

Case studies share stories of how your invention has helped other people or businesses by removing an obstacle.

*Pro tip:* Keep videos concise and visually engaging. Always use captions for viewers who want to watch without sound.

## 2 Leverage seasonal and trending topics.

*Why it works:* Seasonal and trending content is more likely to be shared, and keeps your brand fresh and relevant.

*What to post:* Holiday-or seasonal-themed posts tied to your invention can create interest.

Participate in trending challenges or use popular memes that align with your brand and

make sense with your voice, style and other content.

Relate your invention to newsworthy topics or issues where applicable.

*Pro tip:* Stay authentic and ensure your content aligns with your brand values when leveraging trends. Avoid jumping onto trends just for the sake of being trendy, and ensure it makes sense with your voice and style.

## 3 Share inspirational content.

*Why it works:* Inspirational posts foster positivity and connection, which can enhance your brand image and build a deeper affinity with your audience.

*What to post:* Talk about how your invention or inventing in general has improved your life.

Share how your invention has benefited others or made a positive change within the community.

Post about your vision and aspirations as an inventor, or as the leader of your brand. Share glimpses of the direction you want to take your business.

*Pro tip:* Pair these posts with high-quality images or videos to maximize their impact among your audience.

## 4 Promote exclusive offers and giveaways.

*Why it works:* These actions incentivize engagement among your audience and attract new followers to your brand. Plus, they make your existing audience feel important and valued.

*What to post:* Share special offers and promotions that your followers can use to purchase your invention.

Announce limited-time offers or “flash sales” on your product.

Host contests where followers can win your invention or other great prizes.

*Pro tip:* Clearly outline the rules for giveaways and ensure they comply with Facebook's guidelines and any laws regarding giveaways, raffles or sweepstakes.

## 5 Create engaging visual content.

*Why it works:* Generally speaking, visual content such as photos, images and videos grab attention and are more likely to be shared. Sharing interesting visual content is a great way to get more eyes on your posts.

*What to post:* Post high-quality images—product photos—of your invention from different angles, as well as photos of people using it.

Create and share eye-catching graphics that explain your product's features or benefits.

Look for ways to use other creative visuals, such as illustrations and animations, to showcase your product and stir interest in it.

*Pro tip:* Maintain a consistent aesthetic across all posts to make them recognizable and easily attributable to your brand.

## 6 Share relevant news and trends.

*Why it works:* Posting about current industry trends shows that you're informed and engaged in your niche.

*What to post:* Share timely news articles related to your niche and add your own commentary.

Discuss trends in innovation that inspire your work and how you've considered them while creating and improving your product.

Share market data or reports that highlight the need for your invention.

*Pro tip:* Always credit your sources within your posts and look for opportunities to provide your unique perspective.

## 7 Build a community.

*Why it works:* Fostering a sense of community keeps followers coming back and encourages word-of-mouth promotion—ultimately growing your audience and, ideally, your company.

*What to post:* Discussion starters such as open-ended questions spark conversations in the comments of your posts. You can then continue to engage with those who leave comments.



**Exclusive offers and giveaways incentivize engagement among your audience and attract new followers to your brand.**

Highlight members of your audience who inspire or support you or your business' growth.

Post encouraging content for your audience that aligns with your brand values, voice and style.

*Pro tip:* Engage with all comments and messages promptly to nurture your community and increase your connection with your audience on Facebook.

## A deeper connection

By incorporating these seven content ideas, you can craft posts that engage your audience and highlight the heart behind your invention.

The key to a successful Facebook content strategy is consistency, authenticity, and a willingness to experiment with creative formats. With these strategies in your toolkit, you're well on your way to turning followers into fans, and fans into customers. 📌

**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.





# Custom Flight Comfort

WOMAN'S TRAVEL PILLOW SLEEVE, STUFFED WITH YOUR HOODIE OR SWEATER, DOUBLES AS STORAGE **BY EDITH G. TOLCHIN**

**DUBBED THE** “perfect post-pandemic travel product,” Flight Fillow—created by Georgia Wilson of Grapevine, Texas—is simple but unique.

For many, it's annoying as heck to schlep those inflatable travel neck pillows on flights along with your carry-ons, overhead luggage and even meals. This innovation is a combination neck pillow and traditional pillow, as well as ideal storage for your rolled-up hoodie or sweater (the pillow's stuffing). It was recently featured on The Grommet.

**Edith G. Tolchin (EGT): Are you a frequent traveler?**

**Georgia Wilson (GW):** I used to be a frequent traveler, but my travel frequency has slowed down since having my daughter in late 2022. Now that she is getting older and easier to travel with, I plan to go on a lot more trips soon. Twenty-twenty-five will be a fun, travel-filled year for us.

**EGT: What are the product's unique features?**

**GW:** It fits in your pocket; makes it easy to carry, with none of the bulk and

hassle you deal with trying to pack the standard U-shaped neck pillow. It's machine washable: It easily gives you a clean slate for each trip!

Use your own sweater, hoodie, or jacket for stuffing—something you are already packing for your trip.

You can adjust it to your own comfort. Whether you are in the mood for a thinner neck pillow or something thicker with more support, this one Flight Fillow will do the trick. The thickness of the garment you choose determines the thickness of the Flight Fillow support.

Want a thinner neck pillow? Use a thinner sweater. If you want a thicker neck pillow, simply use a thicker hoodie or jacket.

Newer versions of Flight Fillow have a small pocket on the inside for your small items such as headphones, ChapStick or an eye mask, so you can easily find them in your carry on without having to dig to the bottom of your bag. (This feature is only available on the blue, black and gray Flight Fillows sold on Amazon Prime.)

**EGT: Did it take you many prototypes to get to that “aha!” moment when you knew you had the perfect product?**

**GW:** When I first made Flight Fillow, it didn't



**The thickness of the garment you choose determines the thickness of the Flight Fillow support.**



have a name. I invented it for my personal use. It was a poorly sewn prototype that I made with my dad, using my parents' sewing machine.

It didn't look like anything special, but it was a proof of concept and worked for turning my sweater into a neck pillow and holding it in place—so it wouldn't lose its firmness or shape when I moved around in my seat.

**EGT: Where are you selling?**

**GW:** Flight Fillow is sold on Amazon, walmart.com and flightfillow.com, as well as some in small boutique retailers. It sells for \$22.97.

**EGT: What materials are used?**

**GW:** Flight Fillow is made from nylon-spandex fabric and has a polyester zipper.

**EGT: How was your experience working with The Grommet?**

**GW:** I love working with The Grommet. Ever since our launch day, we have had a handful of sales from the platform, and every time there is an email blast that features Flight Fillow, there is another spike in sales that follows.

**EGT: Where are you manufacturing?**

**GW:** Flight Fillows are handsewn in the United States by individual seamstresses.

I love the personal touch of being able to give employment to individuals and work directly with them. This does pose challenges—such as longer production times, more logistics to oversee, higher cost to produce, and small variations between the products due to being handsewn by various individuals. But I believe the benefits outweigh the challenges—at least for this season of Flight Fillow!

**EGT: Are you anticipating swimming with the “Sharks”?**

**GW:** I auditioned for Season 11 of “Shark Tank” and made it to the third round. Ultimately, they did not select me to move forward, but I am grateful for the opportunity as it really helped me to get into the “done is better than perfect” mindset. My business made great strides in little time.

**EGT: Is Flight Fillow patented?**

**GW:** Yes, Flight Fillow is patented. I first filed for

a provisional patent application; that was a lot more affordable than filing for a full utility patent. I used the year to bring my product to market and prove to myself that this idea was worth the investment of filing a full utility patent.

At one point I considered filing for the patent myself to save the cost of lawyer fees, but after some research I learned that no patent is better than a bad patent. After deciding to use a lawyer to aid with the process, their expertise proved invaluable. I am very grateful I elected to go that route.

**EGT: Have you had any snafus in product development or fulfillment?**

**GW:** I have run into a plethora of hurdles! If I knew ahead of time all the hurdles that I would have to overcome, I would have been too scared to move forward with bringing my idea to life.

However, ignorance is bliss, as it has brought me this far. I view each hurdle as a learning experience. You either win or you learn.

**EGT: What advice do you have for novice inventors?**

**GW:** The whole patent process from start to finish is expensive. I am glad I went the provisional patent route first, to give me time to see whether this idea would be a good investment or not.

Make sure you have the funds or capital available (or a solid plan for where the funds will come from) before you go down the path of a full patent, because it can be expensive to respond to USPTO objections. The maintenance fees on the patents aren't cheap, and if anyone were to infringe on your patent you will need funds to do something about it. 📞

*Details: georgia@flightfillow.com*

**Edith G. Tolchin** has written for *Inventors Digest* since 2000 ([edietolchin.com/portfolio](https://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>).



Georgia Wilson's invention was recently featured on The Grommet.

# 100 QUESTIONS WITH JAMES HOWARD

EDUCATOR, INDUSTRIAL DESIGN EXPERT AND MULTI-PATENTED INVENTOR DISCUSSES THE BLACK INVENTORS HALL OF FAME MUSEUM, SLATED TO OPEN IN LATE 2027 **BY EDITH G. TOLCHIN**

James Howard is a man on a mission in New Jersey that he hopes will inspire the world.

Though I was born in the Bronx, I have lived in central New Jersey since 2012. And as a journalist who has interviewed more than 140 inventors and created 2 ½ books on this topic, I knew I had to speak with Mr. Howard. He has received much PR throughout local Jersey media and was able to take a few minutes from his busy schedule to speak with me about his overseeing the forthcoming Black Inventors Hall of Fame Museum and STEM Learning Research Center.

**Please tell us about your background and how you got involved in creating this historic project.**

With a Bachelor of Fine Arts, Master of Fine Arts degree and 40 years' experience in industrial design, I have successfully designed over 400 products and have been granted more than 20 patents. My career encompasses over 25 years of dedicated service as a college professor, where I have taught design and design history.

My involvement with establishing this museum is profoundly personal. As an African American inventor, I have firsthand experience with the biases that have historically affected us.

This connection fuels my commitment to creating the country's first museum dedicated to their achievements. We are on track to realize this vision within the next two years, and I invite your readers to join me on this important journey.

**How did you locate the property in West Orange for the museum?**

A year ago, one of my executive board members identified a vacant property that piqued my interest. At that time, we were under contract for a building in Newark; however, the West Orange (New Jersey) location presented several advantages, including cost effectiveness, ample parking and a supportive demographic. (*Editor's note:* The current address on the website, in Wharton, New Jersey, is for mailing purposes until the museum opens.)

BRANDU DESIGN/ART ARCHITECTS; PHOTOS COURTESY OF JAMES HOWARD



**In which fields are most of your patents?**

Many of them pertain to the medical field. Among my most valued patents is a single-use, disposable, pressure relief valve designed specifically for the resuscitation of infants at birth.

**Your many traveling exhibits—such as those recently at Princeton, Hackettstown and the USPTO in Alexandria, Virginia—have been well received. Will any of these be permanent exhibits at the new museum?**

The Three Eras of African American Invention Journey Experience has now successfully entered its second year of operation. This comprehensive exhibit features three distinct displays, along with an interactive kiosk and has primarily traveled throughout the eastern United States. Currently, it is showcased at the Burlington County Public Library (in New Jersey).

The exhibit highlights the contributions of nearly 70 African American inventors over 400 years, divided into three significant eras: the Era of Early Innovation (1700 to 1840), the Golden Era of Innovation (1840 to 1940) and the Modern Era of Innovation (1940s to the present). The exhibit will continue to travel across the nation, making stops at various venues—including schools, libraries and community centers.

**What is the Bronx College Entrepreneurship Workshop, held at the Roscoe Brown Community Center at the Bronx Community College?**

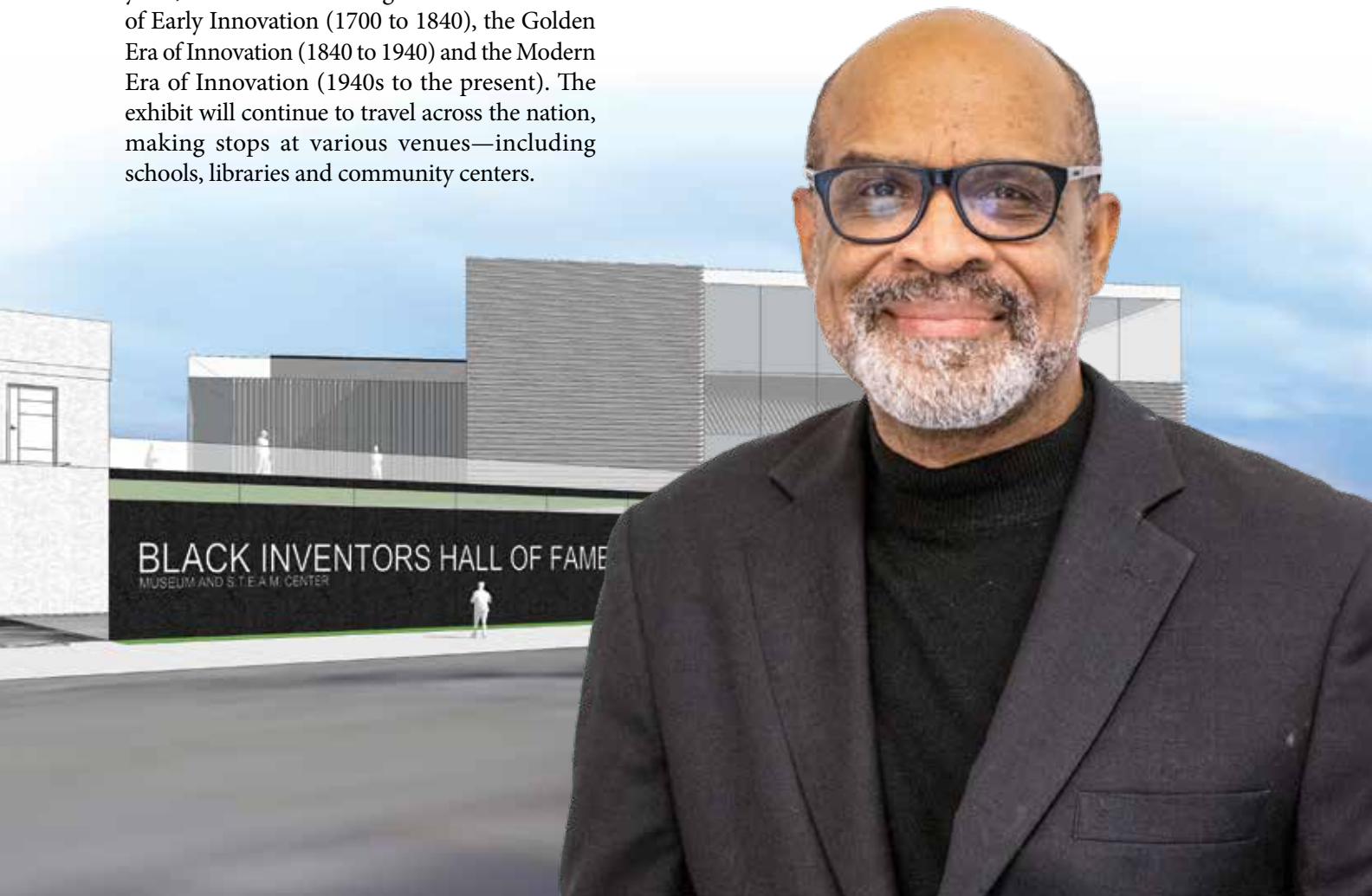
The workshop allows students and community residents to learn entrepreneurial skills. It serves as a repository of information for learning to start businesses.

I had the privilege of being a keynote speaker for the day, speaking on the intersection of innovation and entrepreneurship. The response was overwhelmingly positive, and I maintain ongoing connections with several students from the audience.

**I know it's difficult to narrow this down, but can you put together this top 5 list: Black inventors (present or past) whose inventions have most affected the world?**

Five individuals stand out due to their substantial impact on various industries:

**Black Inventors Hall of Fame Director James Howard** has a Bachelor of Fine Arts, Master of Fine Arts degree; 40 years' experience in industrial design; more than 25 years as a college professor; and more than 20 patents.



Granville T. Woods. His groundbreaking work in telecommunications, particularly the patented telephony device that he sold to Alexander Graham Bell. Woods' induction telegraph helped transform the railroad industry by enabling crucial communication between engineers operating fast-moving trains, significantly enhancing safety on the railroads.

Elijah J. McCoy. Known for his automatic lubricating device, McCoy's invention revolutionized the railroad industry by allowing trains to stay in motion and reducing wear on machinery.

Frederick McKinley Jones. He exemplifies the successful transition from invention to industry with his invention of ThermoKing refrigerated trucks—which enabled the efficient transportation of food items across the country, thereby playing a pivotal role in the rise of the supermarket industry.

Alexander Miles. An innovator in safety, Miles invented the world's first automatic elevator door and shaft closure system, which significantly enhanced the safety of elevator operations worldwide.

Dr. Charles Drew. His pioneering work in developing the blood bank system has had a lasting impact on health care, saving countless lives through improved blood storage and transfusion methods.

As a notable mention, Onesimus, an early 18th-century enslaved man, played a crucial role in combating smallpox in Boston by introducing an inoculation method in 1721 that closely aligns with the foundational principles of modern vaccines. I regard him as the “father of vaccines,” as his contributions laid the groundwork for advancements in immunology.

### **What programs are you creating to encourage STEAM for younger generations?**

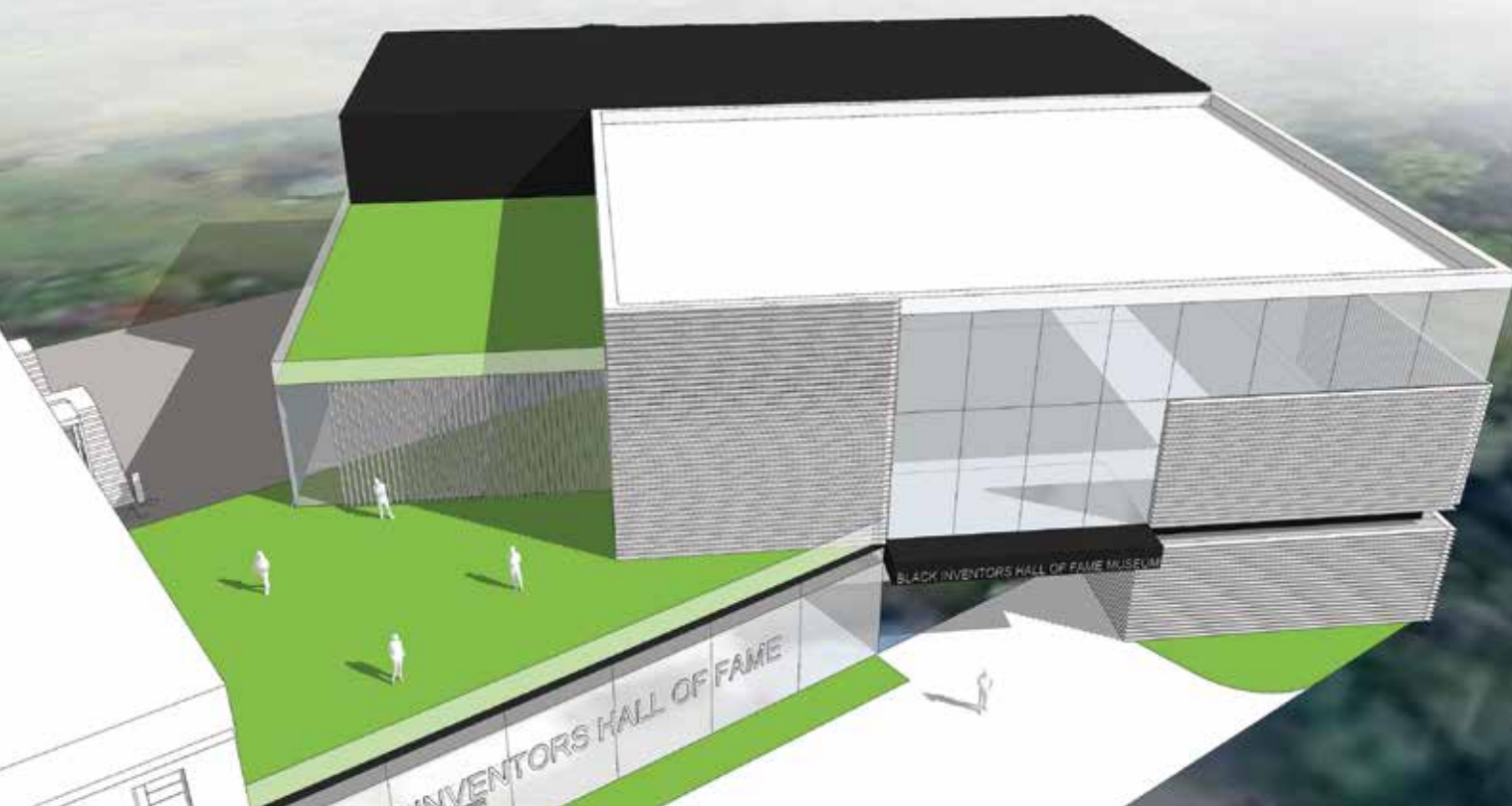
I am pleased to share some exciting updates regarding our museum and initiatives aimed at inspiring the next generation of innovators.

My team and I are in the process of developing an interactive, self-learning tool designed to empower youth in the creative process. This innovative app only guides students through a comprehensive seven-step journey of design and invention. Black and Hispanic influential inventors' contributions are also highlighted. As we continue to refine this app, I am actively seeking financial support to ensure its successful completion.

In addition, I am delighted to announce the planning of a state-of-the-art STEM Research and Development Center within our museum. Located atop the new building annex, this center will encompass over 20,000 square feet, creating a robust platform for research and innovation in the STEM fields.

The museum is envisioned to be a 110,000-square-foot facility with state-of-the-art, tuition-free STEAM classrooms, theater, Metaverse library, startup incubator, and a Legends Hall.

Opposite page: James Howard stands in front of the Three Eras of African American Inventor Experience Journey exhibit at the Burlington County Library in Westampton, New Jersey.





**Please share a bit about your leadership team and board of directors.**

Our board of directors is composed of exceptional leaders across various industries, including library science, agricultural studies, insurance and education. Similarly, our museum planning board features distinguished members such as Pat Sluby, the longest-tenured African American patent examiner; George Smith, a founding member of the National Society of Black Engineers; and Al Valentine, a pioneer in digital camera technology. Their combined expertise profoundly influences our planning and development efforts, providing strong leadership for our project.

**When will the physical museum open, and what is its physical address?**

The museum, scheduled to open in late 2027, is located at 481 Eagle Rock Ave, West Orange, New Jersey, the site of the former Mayfair Farms banquet hall. We plan to restore the Mayfair while constructing a connecting five-story annex to house the majority of our collections.

Our facility will also feature a 250-seat auditorium theater, a banquet room, a community room and a film studio.

**How can readers get involved, get more information on your crowdfunding campaign, or donate?**

For up-to-date information on the museum's progress, we invite visitors to explore our website at [bihof.org](http://bihof.org). There, you will also find opportunities to contribute to our building campaign.

Additionally, we are beginning the staffing process for the museum. If you have a background in museum work or volunteerism, please feel free to reach out to me directly at [jhoward@bihof.org](mailto:jhoward@bihof.org).

Thank you for your continued support and enthusiasm as we embark on this meaningful journey. 🙏

**“As an African American inventor, I have firsthand experience with the biases that have historically affected us. This connection fuels my commitment to creating the country’s first museum dedicated to their achievements.”**





# FREE?

## AYE, MATEY

MICKEY MOUSE HAS COMPANY: THE EARLIEST POPEYE HAS TIMED OUT INTO THE PUBLIC DOMAIN **BY REID CREAGER**

**H**IS POP CULTURE MUSCLES have atrophied for decades now, buried in a bizarre animation landscape of Homer Simpson and SpongeBob SquarePants and South Park and X-Men '97. But when the 1929 cartoon Popeye the Sailor Man lapsed into the public domain this January 1, it marked the opportunity for anyone to freely use that likeness and associated elements for commercial purposes—and perhaps revive the salty spinach snarfer in our collective consciousness through creative uses.

One year ago, Mickey Mouse famously entered the public domain in his original incarnation via the 1928 film short “Steamboat Willie.” This year, a dozen more Mickey shorts have entered the free fray, including his first talking appearance in “The Karnival Kid”—released July 31, 1929. This marked the first appearance of his iconic white gloves.

A similar passage for our buffed sailor buddy was as inevitable as a progression from 1929’s “I (y)am what I (y)am” to today’s “It is what it is.”

Cartoonist Elzie Crisler (E.C.) Segar introduced Popeye that year in his comic strip

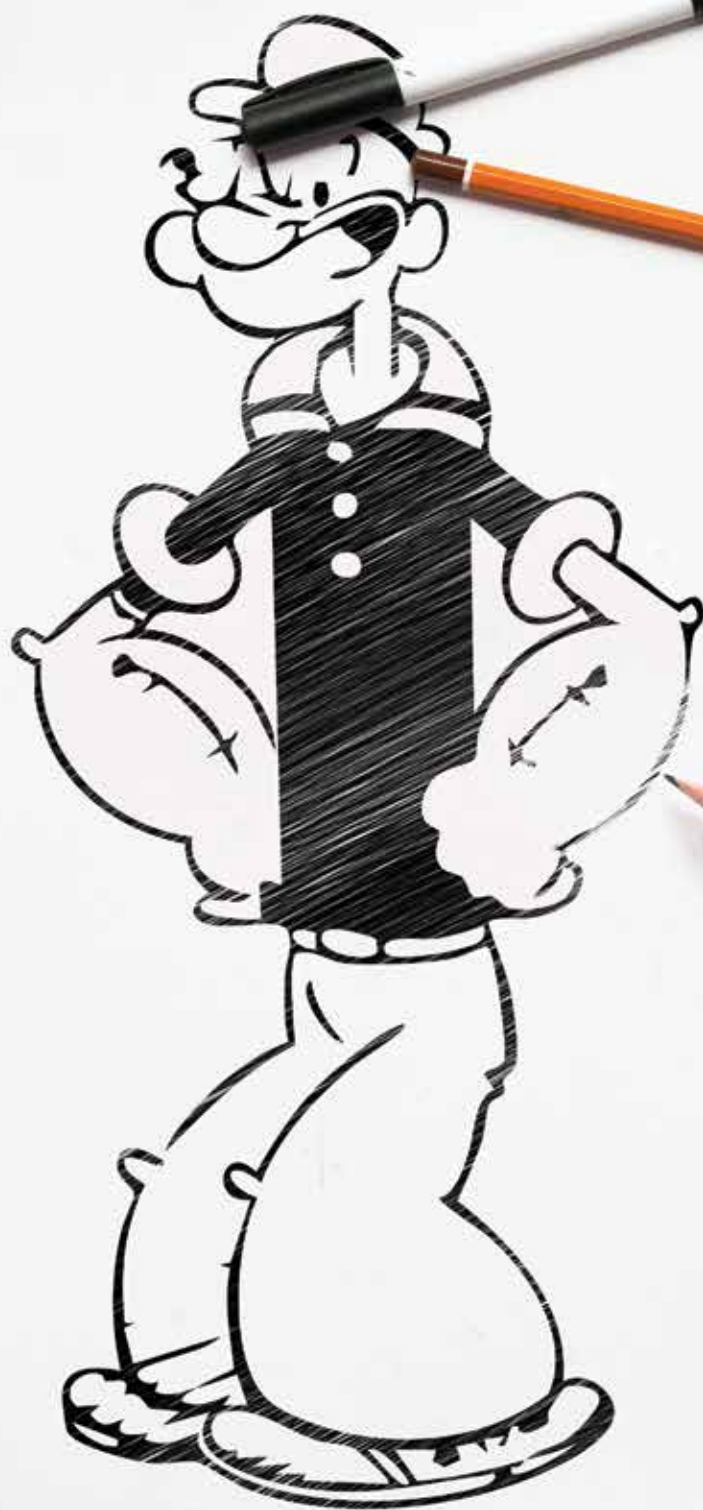
Thimble Theatre. The Illinois native’s relatively short life underscored the value of creativity and intellectual property: The Popeye-led strip was picked up by many national newspapers and begat a series of animated shorts and merchandise that, according to [fandom.com](http://fandom.com), had him making more than \$100,000 a year (\$2 million in today’s dollars) when he died in 1938 at 43.

During the next half-century and beyond, many others penned the Popeye strip in newspapers around the world. Because Segar was an employee of King Features Syndicate when he created Thimble Theatre, that’s considered a work for hire under U.S. copyright law.

King Features was consistent in aggressively trying to keep the brand relevant. In early 2010, Sony Pictures Animation was reported to be developing a movie written by the co-writers of “The Smurfs.” The project languished and died a decade later.

As recently as 2004, the syndicate celebrated Popeye’s 75th anniversary with what it heralded as its “most aggressive and wide-reaching licensing, marketing and promotional program to date.” This included a prime-time TV special

Not everything Popeye related is now fair game for all to reproduce or use in any way they want.



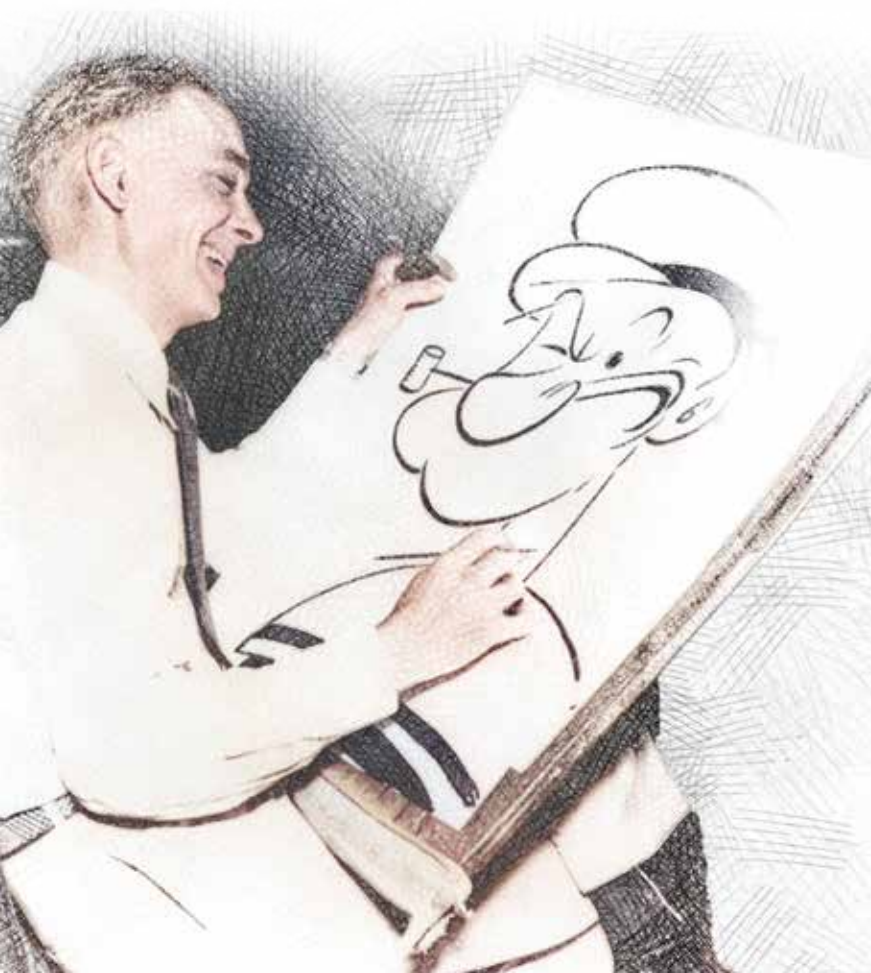
and DVD release in a 3D, computer-generated imagery format.

But that was his last major hurrah. With the copyright term winding down, the sailor man was not “strong to the finish.” Today, he’s becoming a ghost in more ways than one.

A few months ago came the announcement that a live-action horror movie, “Popeye the Slayer Man,” was in development. The plot involves a group of friends who sneak into an abandoned spinach factory that is now haunted by Popeye.

The movie was set to release in January 2025, coinciding with the public domain factor.

**Cartoonist Elzie Crisler (E.C.) Segar introduced Popeye in 1929 in his comic strip Thimble Theatre. The Illinois native’s relatively short life underscored the value of creativity and intellectual property.**



### **Still some restrictions**

When that historic, geodesic Waterford Crystal ball measuring 12 feet in diameter with 2,688 crystal triangles dropped again on Times Square last month, millions of Americans screamed with joy and exchanged joyful kisses and threw confetti and launched fireworks and did other things to ensure that the first day of the new year would be their least productive.

Happy Public Domain Day!

Never heard Ryan Seacrest utter those words, but that’s how the wheel of fortune spins sometimes.

January 1 is one of the most important dates of the year in the innovation community, a kind of “creativity birthday” for opportunities via the end of long-held IP protections for public works—whether they are still popular or not. These pieces can now be copied, shared, reproduced or adapted by anyone without paying the rights owner.

U.S. copyright law generally expires after 95 years for books, movies and other works of art, or usually 70 years after the creator dies. Sound recordings from 1924 are also now copyright free.

Public domain only applies to a specific version of a character portrayed during the expiring year. But copyright law can be misinterpreted and even misleading when over-

simplified—as was the case with some of this year’s mainstream media reporting about Popeye on Public Domain Day.

Some headlines and even entire stories could have left the impression that everything Popeye related is now fair game for all to reproduce or use in any way they want. Bruce Berman, founder of the Center for Intellectual Property Understanding, told *Inventors Digest* that’s far from true.

“Whoever currently controls Popeye [King Features subsidiary Hearst Holdings Inc., listed as holder of many active trademarks] likely has taken pains to have copyrighted newer versions and trademarked them as well,” he said. Berman cited a similar situation with Mickey Mouse in a story he wrote last August:

“The original Mickey Mouse and Steamboat Willie have evolved and new copyrighted



versions of them exist, which will not expire for some time. Also, Mickey and Company are protected by multiple trademarks, which never expire as long as they are used and enforced.

“Is this approach fair? It depends who you ask. Like some of the pharma companies [that] extend patents on current drugs or reformulate them for extended patent life, brands and publishers with franchise properties like Mickey Mouse are reluctant to relinquish IP rights if they don’t have to. In fairness, they have a huge capital investment.”

According to restonnyc.com, there are still some “residual areas” associated with Popeye under copyright, and any new Popeye works since 1978 are still under individual copyright.

“So while the original creative material is free to use, the Popeye name itself still has some restrictions. But the underlying characters [including Olive Oyl, who first appeared in 1919], stories, and cartoons are firmly public domain.”

Jennifer Jenkins, a clinical professor of law teaching intellectual property and director of Duke University’s Center for the Study of the Public Domain, told *Inventors Digest* that “not everything from a later Popeye will be copyrightable.

“It has to be ‘original, creative expression,’ and not ‘merely trivial’ or ‘minuscule’ variations or what copyright law calls ‘scènes à faire’—stereotypical or standard things for an animated sailor character.”

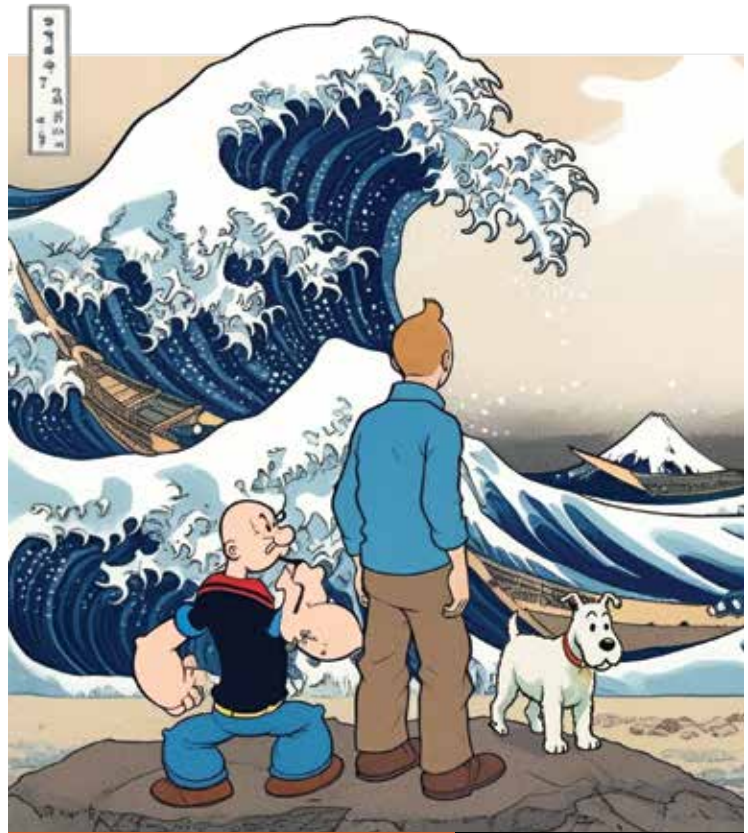
And trademark law? A totally different can of spinach.

Trademarks protect words or images connected to a particular brand. Unlike copyrights, trademarks don’t technically expire (although the USPTO says that to keep them alive, you must use your trademark in commerce and file certain documents at regular intervals).

*Smithsonian* magazine reported recently that Hearst Holdings “has filed applications to trademark certain graphical depictions of the sailor.”

### Others joining the party

Popeye isn’t the only hallowed cartoon character entering the public domain this year. Many Americans may not know the name Tintin,



## A PLETHORA OF PLUSES

When a long-protected work becomes public domain, the benefits are more vast and lasting than we may realize. The classically simplified website SuchScience.net, a collection of one-sentence declarations, lists these pluses that encompass the creative and practical:

- Artists can freely adapt and reimagine classic works.
- Museums and archives can share old materials more easily.
- Visual artists can incorporate famous paintings or photos into fresh artworks.
- Game designers can bring classic board games into the digital era.
- Libraries and museums can digitize old books, photos and recordings without copyright concerns.
- Scholars can freely study and share important historical documents.
- Educators can use vintage educational films and textbooks in lessons.
- Community groups can perform classic plays without paying royalties.
- Old films can be restored and re-released.
- Crumbling books can be reprinted.
- Forgotten music can be performed again.



These and other classic books went into the public domain on January 1.

the teen created in 1929 by Belgian cartoonist Hergé, but they might recognize the simple, cherubic face and swooped-back hair tuft on his forehead.

Cub reporter Tintin and his trusty dog, Snowy, are free for use in America but still under copyright in the European Union until 2054. EU copyright terms extend 70 years beyond creators' deaths, and Hergé died in 1983.

In other entertainment and cultural realms:

- Bookworms entertaining the notion of using classic literary works for promotional and

other purposes will be glad to learn they now have royalty-free access to "A Farewell to Arms" by Ernest Hemingway; "The Sound and the Fury" by William Faulkner; "A Room of One's Own" by Virginia Woolf; "Cup of Gold" by John Steinbeck (his first novel), and the first English translation of "All Quiet on the Western Front," by German author Erich Maria Remarque.

- Newly usable musical compositions include "Bolero," by French composer Maurice Ravel; "An American in Paris" by George Gershwin; "Singin' in the Rain" (Arthur Freed lyrics, Nacio Herb Brown music), and "Tiptoe Through the Tulips" (though the 1969 recording by Tiny Tim is still copyrighted. He died while singing the song onstage in 1996).
- Sound recordings that joined the PD club include Gershwin's "Rhapsody in Blue"; "It Had to Be You," recorded by the Isham Jones Orchestra and by Marion Harris; and "California Here I Come," recorded by Al Jolson.

### Duke site rocks as time rolls

OK, so you may never hear about public domain on "Dick Clark's New Year's Rockin' Eve," but the Duke University School of Law likes to keep track of these things. Every December, the school's aforementioned Center for the Study of the Public Domain publishes an entertaining and

## 'SHOCKING' TALE? NOT REALLY

When beloved singer-songwriter-comedian-congressman Sonny Bono crashed face first into a tree during a fatal skiing accident on January 5, 1998, any secrets he had went with him. He also is unable to respond to recent claims by his ex-wife, Cher, that he took control of her money without her knowledge during their marriage and considered killing her.

But rumors of a payoff to Bono by The Walt Disney Co. to ensure passage of the posthumously named 1998 Sonny Bono Copyright Term Extension Act are patently false, according to Stephen Carlisle.

A copyright officer at Nova Southeastern University, Carlisle wrote an article on the Florida university's website in 2015: "The Shocking Truth Behind the Passage of the Sonny Bono Copyright Extension! (Is That It's Not Really Shocking)."

The legislation sought to extend copyrights another 20 years, delaying their entry into the public domain. Carlisle noted that as a singer and songwriter of hits including "The Beat Goes On" and "I Got You Babe," Bono had personal motivation for the bill's passage without any influence from Disney.

He also researched records and found that House Resolution 2589 "was not even considered by the House Committee on the Judiciary until March 3, 1998, almost two months after Sonny Bono died. ... and was signed into law by President Clinton on October 27, 1998."

Carlisle noted that Disney did contribute to the re-election campaign of various members of the House: "Of the 13 initial sponsors of the House bill, 10 received



comprehensive package of the high-profile works that will lose their copyright(s) in the new year.

The website [web.law.duke.edu/cspd](http://web.law.duke.edu/cspd) also includes new public domain entries in recent years, links to numerous public domain-related stories and interviews, and much more. 📖

**“Whoever currently controls Popeye likely has taken pains to have copyrighted newer versions and trademarked them as well.”**

—BRUCE BERMAN, FOUNDER, CENTER FOR INTELLECTUAL PROPERTY UNDERSTANDING



### REMEMBER THE MOVIE?

The buildup to Popeye's first entry into the public domain coincided with last July's death of actress Shelley Duvall. In the same year she emerged as the chronically hysterical wife in the horror thriller "The Shining," she played Olive Oyl to Robin Williams' lead in the 1980 movie "Popeye"—and was said by some to have upstaged a performer whose very presence all but rendered that notion impossible.

Critically, the movie resounded like a Big Mac with spinach. The mixed reviews betrayed the film's unequivocal feel-good energy and quality production numbers.

It's still under copyright.



contributions from Disney's political action committee."

But his research also found that the largest amount given by the Disney PAC to any representative was \$5,000—hardly the stuff of largesse and scandal.

The 1998 law updated terms of the landmark Copyright Act of 1976, which stipulated that copyright would last for the life of the author plus 50 years (or the last surviving author), or 75 years from publication or 100 years after creation. The '76 act also increased the renewal term for works copyrighted before 1978 that had not already entered the public domain from 28 years to 47 years, giving a total term of 75 years.

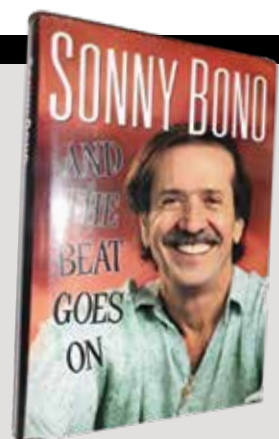
Although the 1998 law passed without significant opposition, critics say it extended a copyright term that

was already too lengthy.

Rebecca Tushnet agrees.

The Frank Stanton professor of the First Amendment at Harvard Law School, speaking with *Harvard Law Today* in 2023, said: "Given that most of the profit comes in the first few years after a work's publication, the copyright term is already way too long."

"In my ideal world, it would be much shorter, and then after a reasonable opportunity to exploit the copyright, the work would enter the public domain."







# National Inventors Hall of Fame

## to induct 17

*Medical-related devices and processes prominent among 9 active honorees*

**B**iological pest control. Service-oriented architecture. Dairy product innovations. Surfboard design!

These are some of the widely disparate categories associated with the 2025 class of National Inventors Hall of Fame® inductees announced January 15.

In partnership with the United States Patent and Trademark Office, the Hall of Fame will honor 17 inductees—nine living, eight posthumous—May 8 at one of the innovation industry's most highly anticipated events: "The Greatest Celebration of American Innovation®."

"It is an honor for the USPTO to recognize the 2025 class of the National Inventors Hall of Fame," said Derrick Brent, acting under secretary of commerce for intellectual property and acting director of the USPTO. "These amazing visionaries have not only changed the world through their inventions ... they also are paving the way for future generations of STEM innovators."

## The Class of 2025



**John R. Adler Jr.: CyberKnife® stereotactic radiosurgery.** A neurosurgeon, Adler invented the SRS system that enables precision robotic, image-guided therapeutic radiation without skeletal fixation. The CyberKnife is used worldwide to noninvasively ablate tumors and other abnormal lesions in patients.



**James Fujimoto, David Huang and Eric Swanson: Optical Coherence Tomography.**

OCT is a method for imaging subsurface structure of biological tissue in unprecedented detail. It has



**Barney Graham and Jason McLellan: Structure-based vaccine design.** Graham, an immunologist

and virologist, and McLellan, a structural biologist, used this process to stabilize and modify surface proteins of viruses. They applied their discoveries to the development of COVID-19 vaccines, contributing to billions of doses administered since 2020.



**Kerrie Holley: Service-Oriented Architecture (SOA).** SOA is a software architecture and programming model for large enterprises. Guiding the creation and use of business processes, packaged as services, and defining the information

technology infrastructure that allows applications to participate in these processes, SOA has benefited organizations across many industries.



**Pamela Marrone: Biological pest control.** Marrone has developed and brought to market effective, environmentally responsible, nature-based products for pest management and plant health. An industry leader, she champions the use

of biological pesticides and educates the public about their benefits.



**Richard Schatz: Palmaz-Schatz Coronary Stent.** Schatz collaborated with fellow National Inventors Hall of Fame inductee Julio Palmaz to invent a vascular stent suitable for treating coronary artery disease. Since 1988, the Palmaz-Schatz coronary

stent and its derivatives have been used to treat millions of patients worldwide.



**Karl Bacon and Ed Morgan: Tubular steel track roller coaster (posthumous).**

This was the world's first

roller coaster of its kind. Matterhorn Bobsleds, which debuted in 1959 at Disneyland in Anaheim, California, set the standard for roller coaster design technology and paved the way for innovations in the amusement park industry.



**Tom Blake: Surfboard design (posthumous).** Blake designed the first lightweight, hollow surfboards and paddleboards—some of the earliest boards to be commercially produced. A record-breaking swimmer and surfing

## The National Inventors Hall of Fame was founded in 1973, in partnership with the United States Patent and Trademark Office.



pioneer, Blake helped make surfing more accessible and more popular, provided a vital tool for ocean lifeguards and influenced the future of board design.



**Emil J Freireich and George Judson: Continuous-flow blood separator (posthumous).** This was also the first of its kind. Devices based on this

invention have been vital for improving outcomes for leukemia patients and developing new approaches to treating cancer and other diseases.



**Virginia Holsinger: Dairy product Innovations (posthumous).** Holsinger made healthier dairy products accessible worldwide. Her research on enzymes and digestion advanced the dairy industry, improved nutrition in American schools and international food donation programs, and created

the foundation for Lactaid® brand products.



**Virginia Norwood: Multispectral scanner (posthumous).** The MSS was the first in a series of satellite-based instruments that have been imaging Earth for decades. Launched in 1972 aboard Landsat 1, the first satellite designed to study Earth's surface, the MSS provided invaluable data and

sparked a revolution in remote sensing technology.



**C.R. Patterson: Carriages (posthumous).** Patterson was an inventor and entrepreneur whose carriage company, C.R. Patterson & Sons Co., evolved to become the first and only black-owned-and-operated automobile company in the United States. 🏠

**DETAILS:** [invent.org/inductees/new-inductees](https://invent.org/inductees/new-inductees)



# Who Wrote This No-Duh Article?

GENERIC ADVICE ON 'HOW TO MARKET A PRODUCT' REVEALS A FAST-GROWING 'AUTHORITY' **BY WILLIAM SEIDEL**

**I** RECENTLY read an article from an inventor newsletter titled “How to Market a Product.” It was written to novice inventors with little or no understanding of marketing.

My first thought: Who in the world could possibly have that answer?

Any marketing professional would discard this article. It’s too general to have any meaning. An extensive knowledge of the category, the industry and the customer is needed—and a four-page article isn’t enough.

Frankly, this is laughable.

I was suspicious, but my curiosity was aroused—so I read on. It was a lot of theory, no basics and no “how-to.”

It was like reading an article on how to fly a plane: It sounds good until you are in the cockpit and don’t recognize the instruments, can’t keep the nose up, and you never heard of a preflight safety inspection.

## Blah. Blah. More blah.

When I finished the article, it left me empty because it was so vague. It stated the obvious: “Marketing is multifaceted, do your research, know your customer,” blah, blah, blah. I felt dumber for reading it.

As I thought about it, I became incensed—not because it was wrong, but because it was a disservice to everyone reading it and did not explain How To. So I chose to write this article about it.

Inventors need usable information, and what it provided was unusable. A few of the many parts I take issue with:

“Choose the right marketing channels.” But the article provides no suggestions.

With more than 200 methods of marketing, some are right choices for your needs but most are not. And a marketing channel was not explained.

There are channels of distribution, and media is for promotion. Walmart is a channel of distribution for getting the product to consumers. Television is marketing media for promoting the product. Confusing the terms confuses the reader and discredits the author.

Even with internet and direct-to-consumer marketing, it still involves basic marketing principles, none of which were explained.

## Changing the subject

“Build a compelling brand message.” It sounds good, but it does not explain what a brand is. And do you need a brand at an early stage of development?



This article had a major misunderstanding of what a brand is. The brand is not the product. A brand message is not the same as a product message—and this article was about how to market a product, not build a brand.

So it caused confusion by changing the subject of the article to building a brand message, instead of focusing on how to market a product.

It is the job of the product manager to assemble a marketing plan for every product. It is the job of the brand manager to plan every product in the line and build business relationships.

### **No ‘hows,’ no ‘whats’? No way**

“Write a marketing plan.” Sounds good, but it provided no “how-to” as promised and never explained what a marketing plan is.

A marketing plan is the detailed strategy by which your product will succeed. It is the backbone and how-to of the business plan.

A brief marketing plan will go far in your short-term efforts to develop the product, find the market and raise money. This is your 30-second elevator story and a brief of the definitive statement of the viability of your idea, product and business.

This article spouted the kind of popular tripe that oversimplifies a complicated topic, provides no value and misleads thousands of readers.

No matter how innovative a product is, it’s unlikely to achieve success without an effective marketing strategy. Nowhere did this article explain how to develop an effective marketing strategy, which is the purpose of the marketing plan.

An article, a book or even an MBA cannot give you this answer. This requires a product-specific plan for the industry based on the competition, the budgets and a lot of research and market analysis.

This is what MBAs, marketing managers and product managers do—and why someone else’s plan will not work for your product.

### **Familiar culprit revealed**

It was clear to me that the author had no marketing experience. Because of my suspicions, I visited three different artificial intelligence sites and asked how to market a product.

Surprise! Surprise! I received the same overly general and unusable marketing mumbo-jumbo from all three AI sites. I was AI duped!

AI has enormous applications and can automate repetitive tasks, analyze large amounts of data, identify patterns and much more. It offers many options but only based on existing data.

AI cannot be original, invent or provide insights that are not already in the database. It has no context, lacks common sense and has no morals.

AI cannot evaluate the legitimacy of the question and has no marketing experience. So, asking AI “How to Market a Product” is too general, and the response will always be vague and useless.

**This article spouted the kind of popular tripe that oversimplifies a complicated topic, provides no value and misleads thousands of readers.**

### **Complicated and simple**

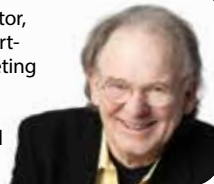
Marketing is complicated because it’s a moving target—constantly changing with new competitors, new markets and new channels of distribution. And it never stops!

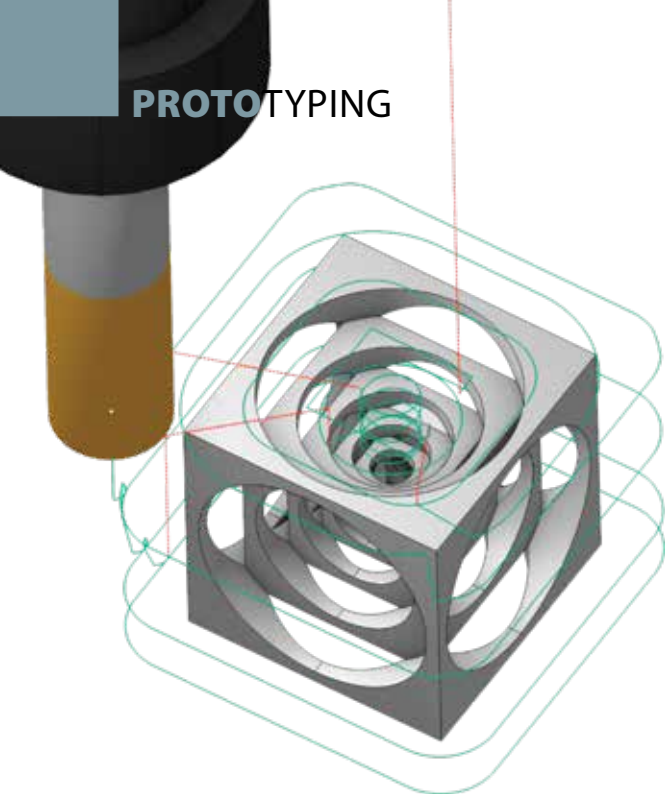
The result for successful product marketing ensures the right product with the right message will reach the right people at the right time, at the right price. This requires a deep understanding of the customer, the product and the business.

“How to Market a Product” requires you to understand why people will buy it, how they will buy it, where they will buy it and what they will pay. You are responsible because it’s your vision, your mission and your brainchild.

Artificial Intelligence cannot teach you how to fly a plane or market a product. And you don’t need to be an expert. You just need to answer these simple questions and know how to 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.





# 3D Primer and Programs

CAD/CAM HAS HELPED INVENTORS BUILD MODELS FASTER AND MORE ECONOMICALLY **BY JACK LANDER**

**T**HE RECENT availability of inexpensive, three-dimensional printers has radically changed the field of prototyping—much of it for the betterment of inventors.

Before 3D printers, we had material removal as our means of shaping materials like steel and various plastics. We also had molding. But to create a mold, we needed a model, which often required material removal to prepare. Molding was more useful in producing a small run of parts, such as 10 to 50.

So, we can now eliminate the lathe, metal-cutting saw, milling machine and drill-press from our list of machines we found impractical

to own—except perhaps the drill press or its less accurate hand-held electric drill.

But is the 3D printer the winner in all regards?

We know that the part we want to make must consist of maybe hundreds of cross-

sectional “slices,” each defining a perimeter shape that the printer’s nozzle must follow. This is where CAD/CAM enters the stage—software and tools that help you create, modify and optimize your 3D models for printing.

CAD = computer-aided design, and CAM = computer-aided manufacturing. Fortunately, routine programs are available—not only for

immediate use but for demonstrating by examples how the CAM part of the program, using your CAD input, converts it into instructions tailored for specific machines (including the proper speeds and feeds).

## Key steps in CAD/CAM

- **Design in CAD.** Engineers and designers create a detailed 3D model of the product using CAD software, including geometric dimensions, materials, and other design parameters. The model can be manipulated, viewed from different angles, and simulated to test its functionality.
- **Data transfer to CAM.** Once the design is finalized, the CAD model is exported in a format compatible with the CAM software.
- **Toolpath creation in CAM.** The CAM software analyzes the CAD model and determines the optimal toolpaths for the manufacturing process, considering factors such as cutting speeds, tool size and material properties. This generates a set of instructions (G-code) for the CNC machine to follow.
- **Manufacturing.** The generated G-code is loaded into the CNC machine, which precisely cuts and shapes the material according to the design specifications.

## Benefits of CAD/CAM

- The process streamlines the design-to-manufacturing process, reducing time and cost.

**CAD = computer aided design, and CAM = computer-aided manufacturing. Routine programs are available.**

- Precise control over the manufacturing process leads to high-quality parts with minimal errors.
- CAD/CAM enables rapid prototyping and easy design modifications.

### Applications of CAD/CAM

- In 3D printing, it generates designs for additive manufacturing.
- In machining, it creates complex parts using CNC machines.
- In the automotive industry, it can be used in designing car parts and components.
- In dentistry, it can design dental restorations such as crowns and inlays using digital scans.

### Next: Biting into dentistry

Speaking of: Recently, as I began chewing on a sticky caramel, I bit down on something very hard—an old silver filling. So, I will soon report on the use of 3D printing as it applies to dentistry, and my dentist's opinion of it. (I think I can safely say that silver-amalgam fillings are history.)

I don't imagine that many of my readers are dentists as well as inventors, but the

## SUGGESTED RESOURCES

You may find these CAD/CAM sites helpful in your pursuit of 3D printing, many of which were sources for this article:

- [autodesk.com/solutions/cad-cam](http://autodesk.com/solutions/cad-cam)
- [sprutcam.com/whats-cad-cam](http://sprutcam.com/whats-cad-cam)
- [inc.com/encyclopedia/computer-aided-design-cad-and-computer-aided-cam.html](http://inc.com/encyclopedia/computer-aided-design-cad-and-computer-aided-cam.html)
- [webopedia.com/definitions/cad-cam](http://webopedia.com/definitions/cad-cam)
- [avantdental.com.au/news/what-is-cad-cam-dentistry](http://avantdental.com.au/news/what-is-cad-cam-dentistry)
- [letsbuild.com/blog/cad-cam-technology-construction](http://letsbuild.com/blog/cad-cam-technology-construction)

extraordinary difficulty of matching a filling to a cavity enables us to be more confident about the prototypes we must make.

Please send me your questions about prototyping to [JackL359@aol.com](mailto:JackL359@aol.com). I'll be happy to answer them. 📧

**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](mailto:jack@inventor-mentor.com).



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# 2024 Year in Review

NEW PLAYERS, RISE OF UNIFIED PATENT COURT, PRO-PATENT BILLS HIGHLIGHT SOME POSITIVE TRENDS **BY LOUIS CARBONNEAU**

**E**ACH YEAR tends to be busy in the intellectual property marketplace. The stakes are high, and numerous deep-pocket players are at opposing ends of the spectrum pushing their respective agenda with legislators, the courts and in boardrooms.

To understand how these various forces affected the market for this delicate asset class known as patents in 2024, it is useful to revert to the five key factors I have historically identified and studied. These tend to show us how healthy (or not) this industry is and where the arrows are pointing.

- Noticeable changes in supply and demand
- New case law that may have long-lasting impacts
- Changes in the regulatory environment
- Recent large damage awards against infringers
- Broad availability of funding to support assertion activities

## Three recently proposed pro-patent bills enjoy some bipartisan support in D.C., a rarity in today's political climate.

The 2024 year in review, in the context of those factors:

**Supply and demand.** With the patent bubble bursting in 2013 after the fabled Nortel bidding war and the subsequent acquisition by Google of the Motorola Mobility portfolio for \$12.5 billion, the industry has been plagued with an excess of supply. This generated a quasi-permanent buyers' market.

The main acquirer a decade ago, Intellectual Ventures, has become over the years one of the most aggressive sellers; large companies have been asked to slash their patent budgets and released thousands of assets available for sale (instead of simply abandoning those); and many smaller companies' commercial demises resulted in distressed sales of their IP assets hitting the market.

On the demand side, the days of acquiring patents for their contemplated (and largely futuristic) strategic value are long gone. Today, only the highest-quality assets (fewer than 1 percent) are realistically transactable.

Additionally, changes in the legal environment have made holding patents "just in case" increasingly unfeasible for most, while significantly lowering their valuations.

That said, several new players have entered the industry and encountered success acquiring and monetizing patents. In parallel, a regular increase in the number of patent lawsuits has forced many defendants scrambling to the secondary market trying to find readily available assets that they can use as a retaliatory tool in that same case.

Finally, the surprising rise of the Unified Patent Court gave new life to European patents that were long considered an afterthought when analyzing and valuing a portfolio.

So, while the market could always benefit from a boost of pro-patent reform through court decisions or legislative action, it has found a certain point of equilibrium.

**New case law.** 2024 was also a very busy year on the courts' patent docket.



The Supreme Court's *Loper Bright Enterprises v. Raimondo* decision overturned the Chevron doctrine, which had required courts to defer to federal agencies' interpretations of ambiguous statutes for 40 years. Under Chevron, courts had to defer if Congress hadn't addressed the issue and the agency's interpretation was reasonable.

This change has significant implications for intellectual property law, particularly affecting:

The International Trade Commission (ITC): Previous cases like *Suprema v. ITC* that explicitly relied on Chevron deference may now be vulnerable to legal challenges.

The United States Patent and Trademark Office (USPTO): Agency guidance and procedures, such as its rules on discretionary denials in post-grant proceedings, could face new scrutiny even if they didn't explicitly cite Chevron. While the ruling doesn't automatically invalidate existing agency interpretations, it does give courts more authority to interpret statutes independently rather than deferring to agency interpretations. This opens the door for potential challenges to various IP-related agency decisions and interpretations in 2025 and beyond.

Unfortunately, however, SCOTUS refused again to clarify its stance on patent eligibility and left the confusion it created a decade ago unabated.

**Regulatory environment.** 2024 certainly had no shortage of proposed bills in the United States, most of which purported to strengthen patent rights and right some of the perceived wrongs that hurt the market.

With the Patent Trial and Appeal Board still invalidating issued patents at a rate around 70 to 80 percent, the Promoting and Respecting Economically Vital American Innovation Leadership (PREVAIL) Act—which narrowly passed committee—aims to strengthen patent rights and reform the PTAB process. Perhaps most important, it raises the burden of proof for invalidating patents at the PTAB to “clear and convincing evidence,” matching federal court standards, and eliminates third-party challenges.

The Patent Eligibility Restoration Act attempts to clarify patent eligibility by specifically defining what cannot be patented, limiting ineligible subject matter to three categories:

- Pure mathematical formulas without practical applications
- Mental processes performed entirely in the human mind
- Natural human genes as they exist in the body

The legislation's purpose is to eliminate ambiguity in patent eligibility determinations, addressing a persistent challenge in patent law where the USPTO and the courts do not even apply the same test—thus leading to conflicting results.

The approach represents a shift toward defining patent ineligibility through specific exclusions rather than broader interpretative standards. The bill has received positive feedback and appears to have momentum for advancement.

There is also the RESTORE Act (Realizing Engineering, Science, and Technology Opportunities by Restoring Exclusive Patent Rights). It seeks to overrule a 2006 Supreme



Court case (*eBay v. MercExchange*), which made obtaining injunctive relief in the United States for patent infringement almost impossible.

During a hearing on the bill this past December 18, opposing camps pushed the narrative of their masters. Interestingly, the US Inventors organization opposes the bill on the basis that it does not go far enough.

All three bills enjoy some bipartisan support in D.C., a rarity in today's political climate. But the new administration could easily torpedo this apparent momentum for patent rights, given who is whispering in President elect Trump's ear: Elon Musk, with his well-known stance on patent rights.

Finally, the next USPTO director could have a direct impact on many fronts, since he/she is usually seen as a kind of weathervane as to how the administration is thinking in terms of supporting innovation.

**Large damage awards.** Though 2024 did not have any billion-dollar patent awards, there were more verdicts exceeding

\$100 million, \$50 million and even \$10 million than in recent years. These still move the needle and seem to be sufficiently high for those who've made assertion a business.

**Funding.** This is an area where a lot of ink was spilled last year. Battles raged in court (patentees avoiding the District of Delaware disclosure requirements) and in Congress. This generated enough attention to warrant a full investigation by the nonpartisan U.S. Government Accountability Office, which issued a well-balanced report in December that debunked many claims made by those who oppose patent litigation funders (mostly defendants). 🎯



**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.



## 2025 PREDICTIONS

I believe there is a relatively high ceiling for improvements in the marketplace, while I see the floor remaining relatively stable. In other words, most changes will result in a positive outcome.

On the flip side, I do not foresee any catastrophic event that would depress the market further, as most of those have taken place and have been factored in current valuation.

Supply will continue to outweigh demand, but the market only cares about 1 percent of issued patents. The fact that we see multiple offers on many of our portfolios at Tangible IP tells us there is enough demand for those high-quality patents once you find them.

Should there be some changes regarding patent eligibility and/or

injunctive relief, all hell could break loose. Patents that are currently not considered transactable would become so overnight.

Valuations would also be affected significantly if the defendant was suddenly at risk of being blocked from selling its goods after the passage of the RESTORE Act.

Any reform to the PTAB (through PREVAIL) that lowers the current "kill rate" (honestly, at 80 percent, it can only go down) will force predatory infringers to change their approach and should favor earlier settlements based on a more rational approach.



The European Unified Patent Court will also continue to apply pressure to the U.S. administration, which does not want to become even more irrelevant when it comes to IP enforcement. And the fact that weak patent rights are increasingly seen by politicians as a free pass to China makes them more likely to get attention on the Hill and a badly needed fix.

All in all, for the first time in years I am fairly bullish about where the market is going. We will continue to track all relevant developments for you and bring those via this column monthly throughout the year. Don't go anywhere!



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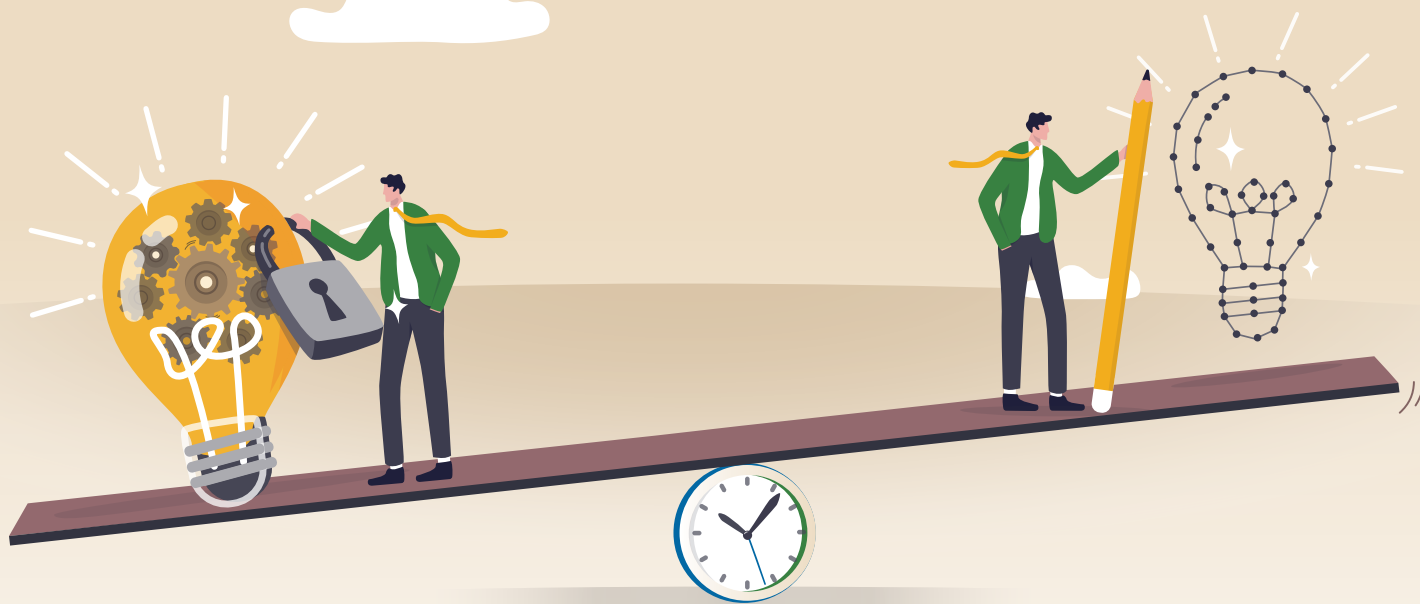


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# Just an Idea, or an Invention?

KNOWING THE DIFFERENCE IS CRUCIAL IN DETERMINING  
HOW TO PROCEED BY GETTING PROTECTION **BY GENE QUINN**

**I AM FREQUENTLY ASKED** a version of the same question by inventors, many of whom are not sure they have an invention yet.

The question goes something like this: “I have an idea, but I am unable to turn it into anything myself. I am going to need some help. What should I do to make sure I am protected?”

The patent attorneys and agents reading will undoubtedly say that ideas cannot be patented—and it sounds like this person has nothing more than an unprotectable idea. I, too, have explained that very thing to many inventors over the years and written about that very topic.

Of course, every invention starts with an idea. This truth can make it very difficult for inventors to appreciate when they have crossed over the idea/invention boundary, from merely having an unprotectable idea to having an invention that could be protected.

So: At what point does an idea take enough form to be considered an invention that can be protected?

Many times, there is an invention that could be defined and protected well before one might suspect.

## **Reduction to practice**

First, it is correct to say that ideas cannot be patented. That said, it is equally correct to say that you have to start somewhere.

Patent laws in the United States differentiate between a mere idea and a conception. When you have a conception, you have an invention. The easiest way to define the term “conception” in lay terms is as an idea plus some knowledge regarding how to bring the idea into being—whether your idea is a compound, product, process or unique software.

The actual bringing of the invention into being is reducing the invention to practice, which concludes the invention process.

Patent law recognizes two types of reduction to practice. The first is an actual reduction to practice, which is when you actually build the invention or

carry out the process. The second is a constructive reduction to practice, when you adequately describe the invention in a patent application.

Many inventors, or would-be inventors, get caught up somewhere between idea and conception. Still others get caught up after a conception but without the ability to move forward to either an actual reduction to practice or a constructive reduction.

In many instances, the individual presenting the “What do I do?” question explains he or she will need some assistance from an engineer to help build the device or figure out certain aspects of the invention.

In my experience, when one knows he or she will need assistance from an engineer, that person is likely to have something that is more developed than a mere idea.

### **Can you sketch it?**

So, how do you decide whether you have a mere idea or a conception that is on the road to a full-blown invention?

That is a difficult question to answer and one that has few, if any, bright-lines rules. What I would say is this: If you can sketch out the invention on paper (in the case of a device) or list the steps (in the case of a process), you likely have something that is tending toward the invention side of the idea-invention continuum.

This is because in order to file a patent application, you do not have to have ever made the invention or used it; you just need to be able to explain to others how to make and use the invention. So, proofs on paper associated with written text explaining the particulars is enough to satisfy the patentability requirements in the United States—and in many, if not most, cases, inventors have an invention capable of getting protection far earlier than they likely expect.

This is not to say that the endeavor of creating a prototype, even a crude prototype, is not worthwhile. You learn so much from trying to create a prototype, even a crude one, that you should endeavor to create a prototype to prove the concept.

You don’t need one that costs many tens of thousands of dollars to start—and 3D printing has dramatically dropped the cost—but having some proof that the invention will work on at least some basic level makes all the sense in the world. This will undoubtedly provide you with better information than you could have come up with when only describing and proving the invention on paper.

**You need to define the invention you have to the greatest extent possible and file a provisional patent application.**

### **Define, and get a PPA**

We are starting to get ahead of ourselves, though, because in most situations the people asking “What do I do?” are not capable of providing detailed sketches of the invention, engineering drawings or modeling the invention in 3D on a computer.

These are all relatively inexpensive but crucial first steps. So you need to define the invention you have to the greatest extent possible and file a provisional patent application (PPA).

Whatever you define in that PPA will start to be the foundation of the overall invention for which you ultimately file a patent application. But it will cast in stone what you have come up with, and that you are the undisputed inventor, before seeking help from others.

I always recommend a patent search before filing a provisional patent application because it is a waste of time to engage in a project if there is no chance of getting the patent. Even if there is a likelihood of getting a patent, not knowing what to focus on as the most likely unique aspect of the invention means you are describing the invention in a vacuum. Nothing good can come of that.



You can start by doing your own patent search. If it looks good, move on to a professional patent search.

As you go through the search phase, you will start to see things that are similar. If you actually read the patents, which should be considered essential, you will start to see how others have described their inventions. This will help you focus on the unique aspects of what you have come up with, which is how you identify patentable features.

Once you have done a patent search, you need to start describing what about your idea is unique and how it is unique. When you are at the point where you can describe the uniqueness of your idea in comparison to other patents and pending applications, then you are again tilting heavily toward the invention side of the idea-invention continuum.



Once you have that provisional patent application filed, you have 12 months within which to file a nonprovisional patent application claiming the benefit of that provisional filing date.

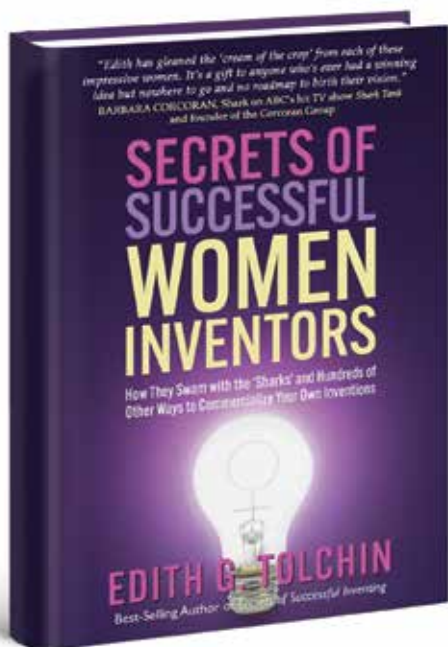
The moral of the story is that just because you will need assistance doesn't mean you do not have an invention worth protecting. The key is that you must take responsible steps early to understand what you have, know which others have related inventions, and then define your idea so the core uniqueness can be appreciated.

When you can do that, it is safe to say you no longer have an idea. You have an invention. ☞

**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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**Edith G. Tolchin knows inventors!**

Edie has interviewed over 100 inventors for her longtime column in *Inventors Digest* ([www.edietolchin.com/portfolio](http://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.

**Edith G. Tolchin**  
(photo by Amy Goldstein Photography)

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# New Acting Director for USPTO

IP VETERAN AND LITIGATOR COKE MORGAN STEWART

SWORN IN 1 MINUTE AFTER TRUMP TAKES OFFICE **BY GENE QUINN**

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

**A** T 12:01 P.M. ON JANUARY 20, a minute after President Donald Trump took the oath of office to start his second term as president, Coke Morgan Stewart was sworn in as the new deputy undersecretary of commerce for intellectual property and deputy director of the United States Patent and Trademark Office.

The ceremony took place in Washington, D.C., at the United States Department of Commerce.

The position of deputy director is not a Senate-confirmable position, which allows the Trump Administration to place Stewart into the agency on Day 1. She will immediately begin serving as acting undersecretary and acting director of the USPTO and will assume the role of deputy upon Senate confirmation of whoever President Trump ultimately selects to be the next undersecretary and director.

There is no word on who President Trump will nominate to be the next undersecretary of commerce for intellectual property and director of the USPTO, although it is widely believed that the person previously viewed as the front-runner for that position, Intel's director of IP policy Vishal Amin, is no longer a candidate. Interviews for the position continue.

Stewart is known to be a strong believer in the U.S. patent system and patent rights. She is widely expected to be an ally to all innovators but particularly to startups, small- and medium-size enterprises and highly IP-intensive research and development companies that survive only because of the rights conferred by a U.S. patent.

In fact, she is believed to share a similar philosophy on patents with Howard Lutnick, President Trump's nominee to be the next secretary of commerce. Lutnick, a prolific inventor who has made many millions of dollars with his patented inventions, seems by all accounts to be very strongly pro-patent.

Stewart is no stranger to the USPTO, and those who have spoken with IPWatchdog have indicated that while at the office she was well liked and highly respected inside and outside the agency. Previously at the USPTO, Stewart served in various senior management roles over more than a decade, ranging from senior adviser to acting deputy solicitor to acting chief of staff.

**There is no word on who the president will nominate as next USPTO director.**

In 2021, Stewart left the USPTO to become deputy attorney general for Virginia, responsible for the areas of health care, education and social services—a role she held for nearly two years. She then joined O'Melveny & Myers LLP, a global law firm with 18 offices and more than 800 lawyers. She primarily practiced representing both patent holders and accused infringers in complex patent matters.

She replaces Derrick Brent, who has been running the agency since former Director Kathi Vidal left in mid-December. 🐾





IP PROS LOOK AHEAD REGARDING NIL RIGHTS, AI'S ROLE IN COPYRIGHT LAW, AND MORE **BY EILEEN MCDERMOTT**

**H**ERE ARE SOME educated predictions about the year to come in IP—based on what courts have said, prospects for new leadership under the next presidential administration, changes to practice due to new fees and rules enacted at the USPTO in the previous year, and more.

**Dana Gross, Morgan Lewis:** This year will see significant changes to rules and regulations that govern the rights of student athletes to exploit their name, image and likeness (or NIL) rights.

The NCAA's rules that restrict the NIL rights of student athletes were challenged time and time again in 2024 by various stakeholders. These challenges took the form of newly enacted state laws and executive orders designed to ensure that student athletes could freely exploit their NIL rights, as well as injunctions issued by federal courts that barred the NCAA from enforcing its rules that restricted the right of student athletes to transfer and/or negotiate compensation for their NIL rights.

It seems like Congress may finally be poised to codify the NIL rights of student athletes and provide protections to the NCAA from future litigation.

In fact, it is possible—albeit perhaps unlikely—that by this time next year a wholly new and reimagined version of the NCAA will have taken

shape, with student athletes receiving direct payments from their universities, as well as other revenue streams tied to their exploitation of their NIL rights that will be protected under federal law.

**Patrick Kilbride, Kilbride Public Affairs:** Neither the Trump 1 nor the Biden Administration confirmed a USPTO director within their first 18 months. Prediction: In the early absence of a USPTO director, other IP-relevant—and Oval Office-privileged—political appointees, including the national security adviser, National Economic Council director, U.S. trade representative, and director of the White House Office of Science and Technology Policy, will shape IP policy at a high level.

The innovator and creator community should work early with these appointees to drive a re-set of America's international IP policy agenda in favor of strong, enforceable rights, heading into the debates to come on the domestic policy front with momentum.

**Jacob Wharton, Womble Bond Dickinson:** AI will continue to dominate copyright law in 2025.

Rights holders will continue to bring more infringement actions. Creators will continue to seek protection for works made in whole or in part by AI and run into resistance in the Copyright Office and courts. We will not likely get resolution



of many AI-related issues in 2025. We hopefully will see Congress wade into these issues.


My clients are seeing an increase in copyright trolls, mainly with respect to photographs and images. There seems to be a growing cottage industry representing photographers seeking modest payouts for images that appear on social media, blogs and websites. The images may have been used years ago and must be located using unique identifiers that the photographers embed in the images.

**“We will not likely get resolution of many AI-related issues in 2025. We hopefully will see Congress wade into these issues.” — JACOB WHARTON**

**Kevin Schubert, McKool Smith:** We will continue to see debate over whether the recent uptick in large verdicts in patent cases—with an average of roughly a dozen nine-figure verdicts per year in the last few years—is the sign of a healthy patent system that is encouraging innovation and investment in research and development in the United States, or if changes are needed.

One of the key cases to keep an eye on will be how the United States Court of Appeals for the Federal Circuit rules en banc in *EcoFactor v. Google*. If the court rules in Google’s favor, it could have implications on the ability to establish damages based on portfolio licenses without sufficient proof that the value of those licenses can be attributed to the particular patent(s) in litigation. ☞

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



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Best wishes, Jack Lander

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## IoT Corner

**Cloudflare** recently mitigated the biggest distributed denial of service (DDoS) attack on record, its blog said.

The October 29 attack, which hit an East Asia-based telecoms firm, lasted for 80 seconds. Detection and mitigation were fully autonomous by Cloudflare's distributed defense systems, the provider said. It required no human intervention.

In a DDoS attack, a website is flooded with traffic so it becomes unusable, often causing outages.

## Wunderkinds

Nigerian teenager **Okezue Bell** from the San Francisco area has won over \$150,000 in awards for inventions in artificial intelligence and finance. Okezue founded Fidutam, a project using blockchain technology to set up

funded bank accounts for unbanked

and low-income communities. When

he was 16 in 2022, he invented WeArm, a low-cost and high-developing prosthetic arm that won over \$80,000 in support and the International BioGENius grand prize. He conducted research at Harvard Medical School and the MIT Media Lab.



## What IS That?

"You can see how the novelty could wear off quickly," the promotional text says. In the spirit of Super Bowl wagering, we put the over/under at 10 seconds.



## Get Busy!

IPWatchdog LIVE, the esteemed IP news site's annual signature event, has moved to March (2-4). More than 300 heavyweights in the IP community from around the world, from judges to USPTO officials to lawyers to entrepreneurs, will be on hand. [IPWatchdog.com/live](https://ipwatchdog.com/live)

## WHAT DO YOU KNOW?

- 1 Nikola Tesla's intense rivalry with Thomas Edison was known as:  
**A)** The War of Currents    **B)** Currents Conflicted  
**C)** The Great Split    **D)** The Push for Power
- 2 **True or false:** The words "Valentine's Day" are trademarked.
- 3 Elon Musk was born in:  
**A)** South Africa    **B)** New Guinea  
**C)** Wales    **D)** Canada



- 4 What was patented first—four-wheeled roller skates, or the game Battleship?
- 5 **True or false:** The 12-month term of a provisional patent application can be extended.

**ANSWERS:** 1. A. 2. False—at least, not so far. 3. A. 4. Skates, 1863; Battleship, 1935. 5. False. And filing a non-provisional patent application, which claims the benefit of the provisional patent application, must be done within 12 months.

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Whether you just came up with a great idea or are trying to get your invention to market, **Inventors Digest** is for you. Each month we cover the topics that take the mystery out of the invention process. From ideation to prototyping, and patent claims to product licensing, you'll find articles that pertain to your situation. Plus, **Inventors Digest** features inventor pros and novices, covering their stories of success and disappointment. Fill out the subscription form below to join the inventor community.



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