

Inventors

DIGEST

LOVE LETTERS

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INSPIRES MOTHER'S
CHALKBOARD PUZZLES



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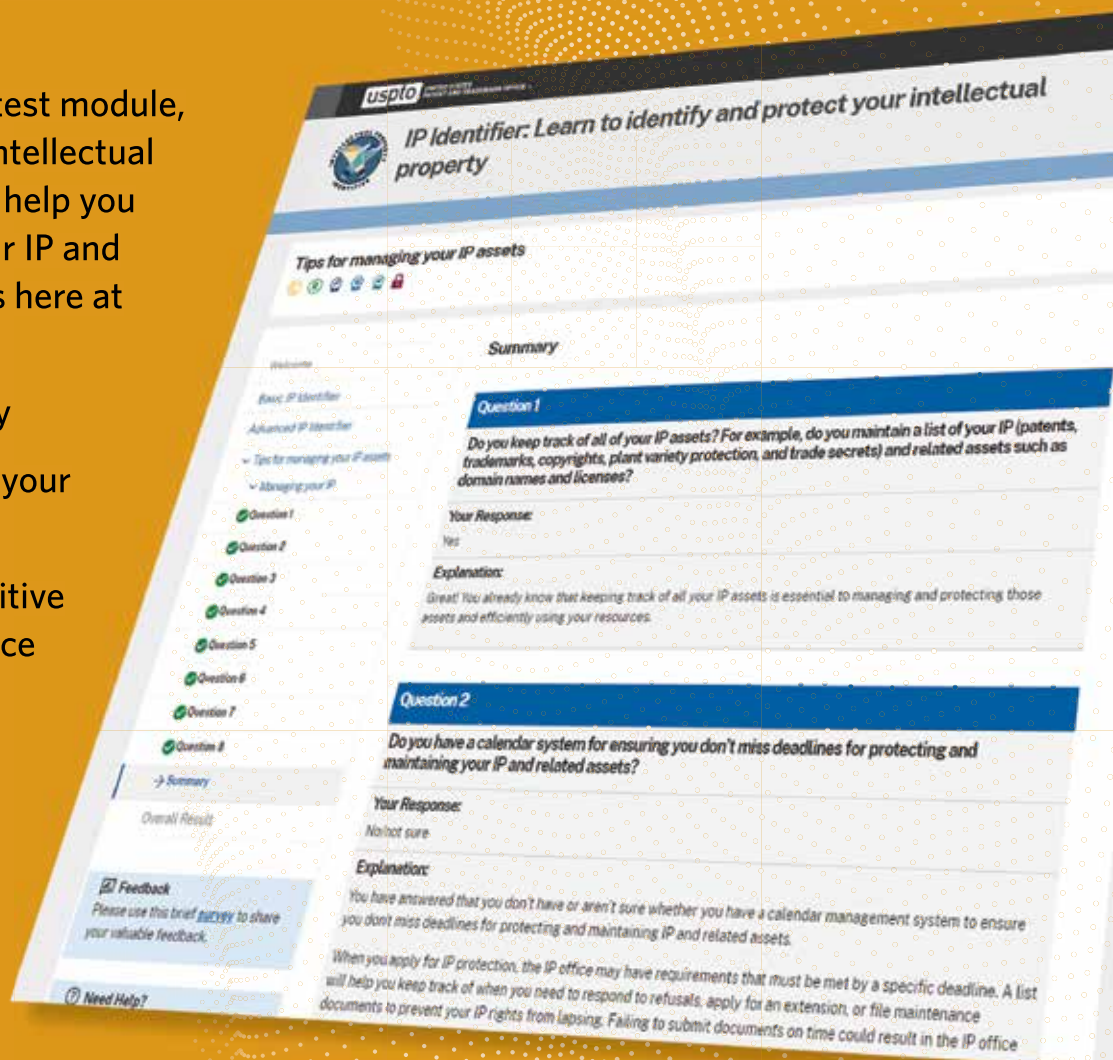
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March 2025 Volume 41 Issue 3

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Focus on the Fun and Fascinating

Mission: Respect

Black magazine empire realized a dream for John H. Johnson, who relied on creative marketing and determination **BY JAKIE WADE**

At his day job in the 1940s, John Harold Johnson ran the Speedaumat, an addressing machine that kept names and addresses of people who paid their insurance premiums to Supreme Liberty Life Insurance Co.

With the permission of the company's president, Johnson used a \$500 loan to buy postage to send letters to those 20,000 people on company stationery. The idea was to ask people to send him \$2 for a subscription for an unpublished magazine for and about African Americans—which he knew was a great risk as “an unknown person in a field that has a graveyard of failures.”

Where other magazines had failed, Johnson was determined to make his dream succeed. He wracked his brain to figure out what to say that would convince people to subscribe.

Johnson realized that the one thing Blacks wanted at that time, other than jobs, was respect. They wanted people to call them “Mr.” and “Mrs.”

So in his letters, Johnson wrote: “A good friend of yours told me about you. He said that you are well respected in your community and

you would be interested in a magazine I'm about to bring out called *Negro Digest*.”

The letter stated that the magazine was offering a charter subscription for only \$2 for a year. Johnson received 3,000 responses with \$2 each—enough to get the magazine started.

Johnson Publishing Co. released the first publication of *Negro Digest* on November 1, 1942.

Success, with more daring

The magazine was an immediate success, the newly minted publisher determined. This was Johnson's biggest dream ever. Having achieved it solidified his determination.

Ever since he and his mother made it off welfare, Johnson vowed he would “never go down that road again—never.” *Negro Digest*, he said, was a down-payment on that dream.

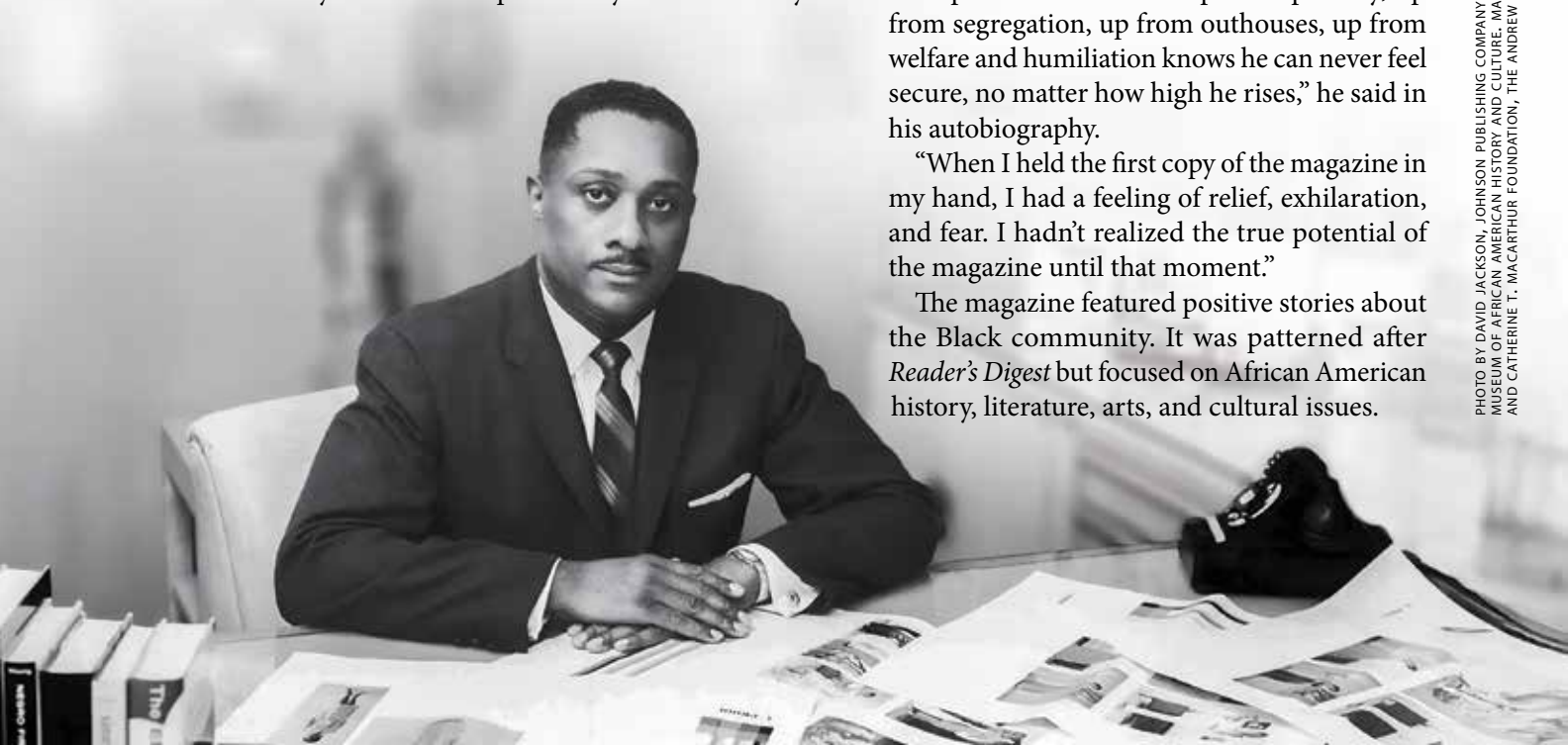
Johnson had come face to face with his biggest and most frightening dream. He began to reflect on all his decisions and hard work that led him to this life-changing moment.

“A person who comes up from poverty, up from segregation, up from outhouses, up from welfare and humiliation knows he can never feel secure, no matter how high he rises,” he said in his autobiography.

“When I held the first copy of the magazine in my hand, I had a feeling of relief, exhilaration, and fear. I hadn't realized the true potential of the magazine until that moment.”

The magazine featured positive stories about the Black community. It was patterned after *Reader's Digest* but focused on African American history, literature, arts, and cultural issues.

A uniquely persuasive strategy helped launch John H. Johnson's *Negro Digest*, which debuted in November 1942 and paved the way for two other groundbreaking magazines: *Ebony* and *Jet*.



“A person who comes up from poverty, up from segregation, up from outhouses, up from welfare and humiliation knows he can never feel secure, no matter how high he rises.”

—JOHN H. JOHNSON, CREATOR OF *NEGRO DIGEST*, *EBONY*, AND *JET*

With the success of his new venture, Johnson was ready to take the magazine to new levels with an unprecedented move.

The magazine founder implemented a new column titled, “If I Were a Negro,” which asked prominent white citizens for solutions to Black problems. He dared to ask First Lady Eleanor Roosevelt to contribute.

With World War II ongoing, this was a long-shot. But persistence was key.

Ebony: Black celebration

During this tumultuous time, Johnson noticed that white people were telling Black people not to press for equality.

He thought, “If they were Black and they had children, would they want to wait until the war was over until their children could have a quality education? I don’t think so.”

After multiple letters, the first lady participated. In her article, she wrote, “If I were a negro, I would have great bitterness, but I would also have great patience.”

These words were sensational when the article was sent to print. A news release was sent to the newspapers in the north and south.

According to Johnson, “the southern papers all picked up the part where she said, ‘great patience,’ and the north said, ‘great bitterness.’”

He said that almost overnight, *Negro Digest* sales went from 50,000 to 100,000 nationwide—all due to his persistence.

Johnson had read Black newspapers to that point and noticed that they all had the goal of getting rid of racial prejudice, calling to attention all of the mistreatment of their people around the world. He began to tire of reading about that important yet bleak and heavy topic all the time.

He decided to create a new magazine that would “deal with the positive things in life.”

It was time to focus on things Blacks were proud of, to showcase their victories.

On the heels of his landmark *Negro Digest*, Johnson published the first issue of *Ebony* on November 1, 1945.

Feel-good declaration

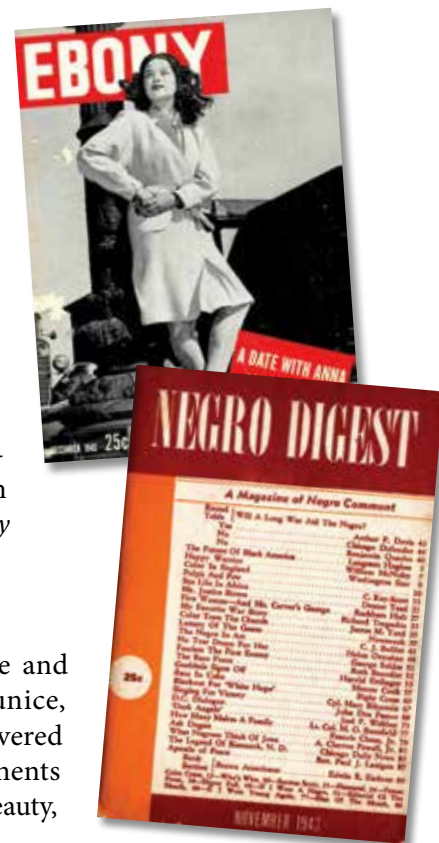
Fashioned after *Life* magazine and named by Johnson’s wife, Eunice, after the dark wood, *Ebony* covered the lifestyles and accomplishments of influential Blacks, fashion, beauty, and politics.

Johnson said the new magazine was the first time he had ever seen a Black person in a tuxedo in a print publication, or even a Black wedding. It covered some of the community’s difficulties, but its goal was “to say, ‘I want to feel good about myself.’”

Black Americans flocked to pick up the first issue. Its press run of about 25,000 sold out immediately. The second printing sold just as fast, making the inaugural issue a collector’s item.

The magazine’s advertising promoted general merchandise and products like hair straighteners meant for Blacks, and Zenith electronics, the magazine’s most profitable advertiser. In many ways, it was the antithesis of what was expected of a Black-focused publication at the time—glamorous, uplifting, flashy, positive.

Ebony was meant to “show not only the Negroes, but also white people, that Negroes got married, had beauty contests, gave parties, ran successful businesses, and did all the other normal things of life,” Johnson said.



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

Patents and Space Inventions

USPTO 'Privatizing the Space Economy' report details government, private-sector participation

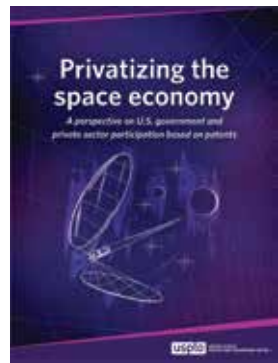
A recently released USPTO report, “Privatizing the Space Economy,” constructs a comprehensive definition of space technologies to analyze growth in U.S. patent applications disclosing space inventions.

The definition includes nine components that are further grouped into four areas. These areas include space-based terrestrial applications; space transportation and habitation; space exploration and development; and space technology and operations. The nine component technologies include: satellite communications; position, navigation and timing; Earth observation; space transportation; human space habitation; space science; space manufacturing and resource development, space operations and logistics; and general space technologies.

Among the key findings, the number of patent applications disclosing space inventions grew by 144 percent between 2003 and 2023—about four times larger than the growth rate for all patent applications. And between 1976 and 2023, individuals and organizations from the United States were granted the largest number of space patents (7,895). Owners located in Europe held the second largest, at 1,577.

The private sector without the support of the government dominates U.S.-based patenting in position, navigation, and timing—as well as for satellite communications. The U.S. government is more likely to be involved with space transportation and human space habitation inventions.

To read the report and view supplemental materials, go to www.uspto.gov and search Privatizing the Space Economy.



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NEWS FLASH



IP PACT SIGNED: The USPTO and the University of New Hampshire signed a Joint Partnership Agreement to promote and support intellectual property (IP) education and outreach throughout the New England region through the establishment of a temporary Northern New England Community Outreach Office on the UNH campus in Durham, New Hampshire. The January 15 action is intended to bring USPTO personnel and resources closer to those regional innovators and entrepreneurs.

OPEN DATA PORTAL LAUNCHES: The USPTO launched its Open Data Portal (ODP) on February 12 in its continued modernization of systems to improve customer service. The site provides easy access to relevant data sets in a user-friendly site that combines several services into one. Support resources are available, including information on getting started with Application Programming Interfaces and more.

ODP will replace the Patent Examination Data System (PEDs) and the Bulk Data Storage System (BDSS). PEDs will be available for at least 30 days after ODP's launch; BDSS will be available at least 60 days post-launch. Subscribe to get email updates at our Subscription Center.

WHAT'S NEXT

SUCCESSFUL INVENTING: This online series, presented by the USPTO and the Licensing Executives Society-Silicon Valley Chapter, covers various aspects of the invention process. During each session, participants hear experts discuss topics that include intellectual property (IP), creating a prototype, licensing, funding, and more.

The March 9 event (1:30-3 p.m. ET) will feature experts discussing product design, developments, and prototypes. Aspects discussed will include marketing, using a design firm, and tailoring your product for different markets.

For more details, go to www.uspto.gov and search Successful Inventing.

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



Major Discounts Available on Patent-Related Fees

Those qualifying for small-entity status may get reductions of 60% or 80%

Patent applicants and owners may qualify for small entity or micro entity status. A 60 percent discount on most patent-related fees is available to those who establish small entity status, and 80 percent to those who establish micro entity status.

Small entities include a person, a small business (including affiliates, and having no more than 500 employees), or a nonprofit organization anywhere in the world. Additionally, a small entity must not have assigned, granted, conveyed, or licensed the invention, or be legally obligated to do so, to anyone who does not also qualify as a small entity.

If you qualify as a small entity, you may also qualify for micro entity status if each inventor, patent applicant, or patent owner as applicable meets these additional criteria:

- Named as an inventor on four or fewer previously filed applications (stayed within the application filing limit)
- Had an income for the previous calendar year of no more than the gross income limit (\$212,352 in 2023 and changing yearly)
- Has not assigned, granted, conveyed, or licensed the invention, or is legally obligated to do so, to anyone who exceeds the gross income limit

If you haven't met all three criteria, you may also qualify for micro entity status either if you have received the majority of your income from employment by a U.S. institution of higher education, or have assigned, granted, or conveyed, or are legally obligated to do so, a

patent ownership interest to such an institution.

Details: www.uspto.gov/patents/apply/save-on-fees

Other featured resources:

FIRST-TIME FILER PILOT PROGRAM:

The First-Time Filer Expedited Examination Pilot Program is designed to increase accessibility to the patent system for inventors who are new to the patent application process.

After submitting a patent application, inventors must typically wait for an examiner to review the application and return the examiner's written notice of findings, called an office action. This program expedites the first office action to enable inventors to bring their innovations to impact more rapidly.

Details: www.uspto.gov/FirstTimePatentFiler



PATENT PRO BONO PROGRAM:

If you're an inventor or small business owner, you may be eligible for free legal assistance in preparing and filing a patent application. The Patent Pro Bono Program is a nationwide network of independently operated regional programs that matches volunteer patent attorneys and agents with financially underresourced inventors and small businesses to provide free legal assistance in securing patent protection.

Details: www.uspto.gov and search Patent Pro Bono Assistance.



Patent
Pro Bono
Program
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A Robust Patents Future, But For Whom?



Continuing on last month's Editor's Note about the mixed present and future of AI comes this statistic from IP.com:

AI-related patent applications are up 33 percent since 2018 and appeared in 50 percent of all technology subclasses in 2023.

Because of AI's uncertain future as something that will be mostly productive, that is neither positive nor negative—unless maybe you're an independent inventor.

The IP.com story about 2025 patent trends also lists CRISPR and gene-editing technology, which has myriad benefits in health care that include faster, more accurate diagnoses and development of new immunotherapies to treat cancer. There's a mention of standard-essential patents, which play a prominent role in technologies such as 5G (your phone), IoT and smart devices.

This all bodes well for the patent future of big companies and tech giants.

But what about the independent inventor who is the target audience of this magazine?

In a Guest Insight article in this issue, Lewis Rambo—a Ph.D. who consults with clients and advises not-for-profits, young entrepreneurs and tech startups—notes that individual inventors received just 6 percent of the patents issued by the USPTO in 2022.

In a patent environment where deep-pocketed corporate infringers often wait out cash-strapped solo inventors in court on their way to essentially stealing products, and with the cost of filing a patent going from expensive to prohibitive, what is the future of the “little guy”?

The USPTO is constantly coming up with help for individuals via programs offering heavy discounts on patent-related fees; its first-time filer pilot program; Patent Pro Bono Program (see Page 7 for these); a bevy of free online courses, and more.

It's encouraging, and interesting, that new Department of Commerce Secretary Howard Lutnick has more than 400 patents. He may be able to identify with the challenges of individual patentees, but his tremendous wealth and resources hardly make him an Average Joe.

As patent trends continue to spin away from the independent inventor, let's hope some of the promising bills in Congress and new government appointees can provide more protection and hope for individuals.

—Reid
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Next USPTO Director?

John Squires' connection to new Commerce secretary reportedly gives him the inside track

THE INTELLECTUAL Property Owners Association reported February 20 that John A. Squires (far right), currently a partner at Dilworth Paxson and former chief IP counsel at Goldman Sachs, is likely to be nominated as the next USPTO director by President Trump.

The IPO cited two independent sources; Dani Kass at Law360 reported the possible nomination the same day. If nominated, Squires would need confirmation by the full U.S. Senate.

In a recent LinkedIn post, Squires posted his support of Howard Lutnick's candidacy for secretary of the Department of Commerce, which received Senate confirmation on February 18: "A patent-savvy U.S. Department of Commerce secretary supporting a strong USPTO is more important than ever."

Lutnick, a wealthy financier who has been CEO of U.S. financial services company Cantor Fitzgerald, is named on more than 400 U.S. patents. Squires and Lutnick both have fintech experience.

Dennis Crouch wrote on Patently-O, "I expect that Sec. Lutnick will play a key role in advancing Squires' potential nomination through the process."

At Goldman Sachs, Squires founded and led the investment bank's intellectual property practice from 2000 to 2009, while Lutnick was involved on the technical side at Cantor Fitzgerald.

Squires' practice at Dilworth Paxson has emphasized on emerging technologies, including AI, blockchain and fintech.

Coke Morgan Stewart is interim director of the USPTO following the resignation of Kathi Vidal late last year.



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CAN NBA TEAMS BOUNCE MUSIC COPYRIGHT LAWSUIT?



Seven months after being hit with a copyright infringement lawsuit for using popular songs on their websites and social media platforms, eight NBA teams are huddling for a new strategy.

According to Law360, those teams—among 14 named in the suit overall—filed a brief supporting a petition to ask the U.S. Supreme Court

to review its "discovery rule" last May, which allows claims to be brought beyond the previous three-year statute of limitations.

The lawsuits were filed in the U.S. District Court for the Southern District of New York on July 18. The defendants are the Atlanta Hawks, Cleveland Cavaliers, Denver Nuggets, Indiana Pacers, Miami Heat, Minnesota Timberwolves, New Orleans Pelicans, New York Knicks, Orlando Magic, Philadelphia 76ers, Phoenix Suns, Portland Trailblazers, Sacramento Kings and San Antonio Spurs.

The plaintiffs include Artist Publishing Group, Kobalt Music Publishing America, Inc., and

Prescription Songs, LLC. They own copyrights to songs featuring artists Jay-Z, Cardi B, OutKast, Migos, Dua Lipa, Jason Derulo, Nicki Minaj and others.

Social media platforms provide libraries to allow users to add music to their posts, but the content cannot be used for commercial or promotional purposes.

Dunlap Bennett & Ludwig reported that each case is seeking up to \$150,000 in damages for each infringement, disgorgement of profits received, an injunction against further infringement, and attorney's fees. But due to the alleged scale of the breaches, each team faces potential liability in the millions.

BRIGHT IDEAS

XLASERLAB X1/X1Pro

VERSATILE LASER WELDING SYSTEM
xlaserlab.com

The Xlaserlab X1 and X1 Pro are multifunctional laser systems designed for welding, cutting, cleaning and rust removal.

Built for efficiency, precision and ease of use, they are suitable for a wide range of materials and applications, and even function underwater.

Unlike traditional welding methods that rely on electric arc to generate high temperatures, Xlaserlab leverages a high-energy-density laser beam to promote precise, clean welds even for delicate or intricate tasks.

The X1 basic version will retail for \$3,398, with delivery to crowdfunding backers scheduled for April.



Hedgehog GO

PRO-LEVEL, COMPACT,
DUAL-USE DRYER
hedgehogdryer.com

Well suited for travel and outdoors, Hedgehog is said to dry hair in 3 minutes, boots in 12.

The dryer generates 105,000 RPM with wind speeds over 60 mph and weighs only 350 grams. It has an interchangeable nozzle to dry gloves, hats and other accessories.

Drying timer settings are 5, 10, 15, 30, or 60 minutes, with adjustable heat settings of 98 degrees F, 113 F and 140 F, and three speed settings. It operates on both 100 V and 220 V power systems for use around the world.

Hedgehog, which will retail for \$159, is to be shipped to crowdfunding backers in May.



Silent Beacon

ONE-PUSH 911 'PANIC BUTTON'

silentbeacon.com

Billed as “the only Bluetooth panic button that can directly call 911,” this device was invented by Hollywood stuntman and YouTube star Kenny Kelley after a life-threatening motorcycle crash left him unable to reach his phone.

With a single press, the button connects to Silent Beacon's safety app. You can call any number and simultaneously send alert notifications with your GPS location to family, friends, colleagues and emergency services. Talk directly with emergency responders.

Silent Mode sounds emergency alerts quietly if you are in a high-risk or dangerous situation.

There are no monthly fees, just a one-time purchase price of \$79.



“Invention is arrived at by intelligent stumbling.”—AMAR BOSE



Lava Genie

SAMPLER GUITAR

lavamusic.com

Via an AI music app, Lava Genie lets users experiment with musical sounds—with literally no strings attached.

Holding the foldable, detachable product as you would a typical guitar, place a finger on the touch fingerboard to “play.” Tap or strum the lower half of the guitar for various sounds—more than 500 to explore.

Build your own playing patterns. Backing drums and bass sounds are included, with immersive, onboard speakers.

Pre-sets are synched to different music styles. The customizable fingerboard extends to 21 chords. You can connect to learn thousands of songs, with a growing library.

Lava Genie retails for \$399.

A Slow Trek to Fast

RAPID-FIRE PICKLEBALL EVOLVES OVER 60 YEARS
AS ONE OF AMERICA'S MOST POPULAR SPORTS **BY REID CREAGER**

OH, THAT ZANY PICKLES. The family dog often chased errant balls from a newly invented game—basically a version of tennis on a smaller court, with a lighter ball—and hid in the bushes.

That's the cute story about how one of America's fastest-growing sports got its name as Pickleball celebrates its 60th anniversary. You'll find that fun fact all over our cut-and-paste internet, where research has often gone to the dogs.

Digging a little deeper (pun intended squared, and we promise we're done) reveals that according to playpickleball.com, USA Pickleball investigated the Pickles posit and found records that the dog was born in 1968—three years after the sport's invention.

Joel Pritchard—a former U.S. congressman and one of three inventors of the sport on Bainbridge Island, Washington—reportedly told a reporter decades ago that the dog story sounded better and simpler than what is the

truth: His wife, Joan, said the game reminded her of rowers who raced for fun in local pickle boat crew competitions.

Mix of 3 sports

The sport invented by Joel Pritchard, Bill Bell and Barney McCallum, said to be something to do for their bored children, is Exhibit A for innovation. They came up with the idea at a badminton court when, lacking the proper equipment to play, they improvised with Ping Pong paddles and a kind of Wiffle ball.

Pritchard and his friends are said to have established the rules, with McCallum refining them while promoting the game and organized tournaments. The inventors made money on it by incorporating Pickle Ball, Inc.

Rather than a game invented from scratch, Pickleball incorporates elements of tennis, badminton and table tennis with the use of a hard paddle/racket and perforated ball. A standard tennis court is 78 feet long and 27 feet wide

Below, foreground: Pickleball cofounders Barney McCallum, Joel Pritchard and Bill Bell (left to right) have their eyes on the ball during a tournament. Background: Pritchard and his wife, Joan, play on the court where it all started in 1965.



for singles matches and 36 feet wide for doubles matches; a standard Pickleball court is 44 feet long and 20 feet wide for singles or doubles play.

If you assume Pickleball is basically for people who don't have the stamina to navigate the longer and wider tennis court, you haven't played the game.

Slower? Not so fast. The shorter area facilitates lightning volleys and generally requires quicker reflexes. Racket handling, ball control and court positioning are at an added premium.

One of the most succinct quotes associated with the sport is: "In pickleball, the quickest way to lose a point is to think you've already won it."

Surging in past 15 years

On the other hand, the game's early growth and popularity unfolded as slowly as a game of golf.

The first permanent pickleball court was built in 1967. Five years later, a corporation was formed to protect it; by 1975, the National Observer became the first mainstream media to write about the sport.

The first known tournament was held in 1976 at South Center Athletic Club in Tukwila, Washington.

More growth and advancement came in the 1980s with the establishment of the United States Amateur Pickleball Association and the invention of composite paddles. The game really hasn't become well known until the past 15 years or so; the establishment of the International Federation of Pickleball in the 2010s underscored its worldwide expansion.

According to PickleGO: "The surge in participation during the decade saw millions of players joining tournaments and events worldwide, further solidifying pickleball's status as a dynamic and inclusive sport for people of all ages and backgrounds. This unprecedented growth trajectory promises a bright future for pickleball as it continues to captivate enthusiasts and expand its reach globally."

In 2022, Tom Brady became the owner of a Major League Pickleball team, with many calling Pickleball America's fastest-growing sport

The inventors came up with the idea at a badminton court when, lacking the proper equipment to play, they improvised with Ping Pong paddles and a kind of Wiffle ball.

A final claim

Future growth will happen without the presence of the sport's three founders, all in the Pickleball Hall of Fame.

Pritchard died in 1997, Bell in 2006. Pritchard and McCallum were in the hall's inaugural class of 2017, with Bell also inducted posthumously in 2020.

Even in death, debate over the naming of Pickleball lives on—with McCallum's version conflicting with what Pritchard had told reporters about the dog tale simply being good copy (not to mention the simple math uncovered by USA Pickleball).

Ironically, in a post by USA Pickleball on November 19, 2019, after McCallum died at 93, one of his friends was quoted as saying: "Barney always said, 'Pickleball was named after the dog Pickles. End of story.' He should know. He was there!" 🐾

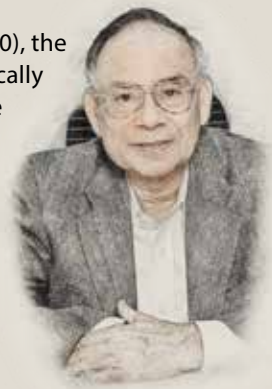
INVENTOR ARCHIVES: MARCH

March 31, 1981: Ananda Chakrabarty made history by patenting the first single-cell life form.

Chakrabarty filed a patent in 1972 for genetically modified bacteria capable of breaking down crude oil. The U.S. Patent Office initially rejected the application on grounds that living organisms could not be patented.

But in *Diamond v. Chakrabarty* (1980), the U.S. Supreme Court ruled that genetically engineered organisms are patentable and human-made living organisms fall within the scope of patentable inventions.

This overturned a tenet in patent law dating to 1889, when the patent office rejected an application for a patent to cover a fiber identified in the needles of a pine tree.



Are You a Facebook Fit?

YOUR GUIDE TO THE BENEFITS, TYPES, STRATEGIES
AND BEST PRACTICES OF THE PLATFORM'S ADVERTISING

BY ELIZABETH BREEDLOVE

WITH MORE than 3 billion monthly active users, Facebook provides access to a vast audience, sophisticated targeting options, and cost-effective ad solutions.

But is it the right fit for you?

This comprehensive guide explores the benefits, ad types, strategies and best practices to help you decide whether Facebook Ads is the right move for your business.

Benefits

Unparalleled advanced targeting features allow you to reach specific demographics, interests and behaviors. This is particularly useful for inventors and entrepreneurs who need to connect with niche audiences or early adopters.

Unlike traditional advertising channels, Facebook Ads allows you to set flexible budgets and bid strategies, making it more accessible to startups and independent inventors who often have limited marketing budgets.

Facebook's analytics tools provide insights into your ad performance, enabling you to make real-time adjustments to optimize results. Testing different creatives, audiences and ad formats can lead to continuous improvements in ROI.

A strong Facebook presence helps build credibility. This makes it easier to attract investors, customers and even potential business partners. Ads are a great complement to organic social media efforts, boosting your overall visibility on the platform.

Types of ads

There are many different ad formats on Facebook, each best suited to different goals. A breakdown of some of the most effective options:

- **Image:** Simple yet powerful, image ads feature a single, high-quality image and compelling copy. They are often ideal for product

launches, promotional offers and brand awareness campaigns.

- **Video:** With this content dominating social media, video ads provide an engaging way to showcase your product's features, benefits, and real-world applications. They work well for tutorials, testimonials and behind-the-scenes insights.
- **Carousel:** These ads allow you to showcase multiple images or videos within a single ad unit, making them perfect for highlighting several features of your invention or displaying various products in a single campaign.
- **Collection:** These ads create an immersive mobile experience, combining video, images, and a product catalog. This format can drive direct sales and customer acquisition by making it easy to create a lookbook or virtual storefront.
- **Lead generation:** Ideal for collecting emails and generating leads, these ads allow users to fill out a form without leaving Facebook. This is particularly useful if you're looking to build an email list before launching a new product.
- **Messenger:** These enable direct communication with potential customers. This can be a great tool for answering product questions, nurturing leads and providing personalized customer service.

Manage, or outsource?

Managing Facebook Ads requires a blend of creativity, data analysis and marketing expertise. Consider managing Facebook Ads yourself if:

You have a tight budget.

You are willing to invest time in learning Facebook Ads Manager.

Your campaign is small-scale, such as testing initial market interest.

You enjoy data analysis and optimization.

Look into outsourcing Facebook Ads management if:

You have the budget to hire a professional who can optimize results.

You lack the time or expertise to manage campaigns effectively.

You want to scale quickly and need an expert's insight.

You have run campaigns before but struggled to achieve your desired ROI.

If you decide on outsourcing, look for an agency or freelancer with experience in your industry, a proven track record and positive client testimonials.

When it doesn't fit

Facebook Ads may not be the best option when your target audience isn't active on the platform. Some niche audiences, especially in B2B industries, may be more active on LinkedIn or other platforms.

Running ads without a clear goal or strategy can lead to wasted money and poor results. Ensure you have a well-defined sales funnel before investing in paid ads.

Advertising can amplify both good and bad feedback. If your product has quality issues or a poor reputation, focus on improving it before running paid campaigns on Facebook.

Also, Facebook Ads requires testing and optimization. If you're unwilling or unable to invest in testing different creatives, audiences and bidding strategies, you may not see the results you want.

Best practices

If you decide to go with Facebook advertising, following these general best practices will increase your chances of success.

Before launching an ad, determine your primary objective—brand awareness, lead generation, sales or engagement. Your goal will influence your choice of ad format, targeting and messaging.

Because Facebook is a visual platform, using high-quality images or videos is crucial. Pair these with clear, persuasive copy that addresses your audience's challenges and presents your product as the solution.

Use Facebook's targeting tools to narrow your audience based on interests, demographics and



Determine your primary objective—brand awareness, lead generation, sales or engagement.

behaviors. One powerful tool Facebook offers is Lookalike Audiences, which enables you to reach people similar to your existing customers.

Run A/B tests with different ad creatives, headlines and audience segments to see what performs best. Adjust your budget and targeting based on performance metrics.

Retargeting allows you to reach people who have previously engaged with your brand. This is particularly effective for driving conversions and recovering abandoned carts if you have an ecommerce store.

Regularly review metrics like CTR (click-through rate), conversion rate and ROAS (return on ad spend). If an ad isn't performing well, adjust your approach rather than continuing to spend your valuable time and money on an ineffective campaign.

Ensure your ads comply with Facebook's frequently updated guidelines to avoid rejection or account suspension. 📌

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.



Cool Eating for Kids

TEXAS MAN'S INVENTION HAS A BUILT-IN FAN INSIDE A DISH COVER TO HELP PREVENT BURNED LITTLE TONGUES **BY EDITH G. TOLCHIN**

WHAT'S TOUGHER than a "hangry" toddler? As a mother of two, and a "bubbie" of one, I've seen my share.

Basically, it's "Feed me now. I don't care if the pancakes or sausages are too hot!" Then comes the screaming when he burns his tongue because "I told you so!"

Frisco, Texas' Weldon Barber invented WindBrrrly Buddy to solve this problem. It's a large, child-themed cap resembling a cake dish cover with vents at the bottom lip that fits over a hot dish, and a fan inside to cool the food.

It recently made an appearance on Steve Greenberg's "What the Heck is that?" YouTube game show.

Edith G. Tolchin (EGT): Had you invented anything before?

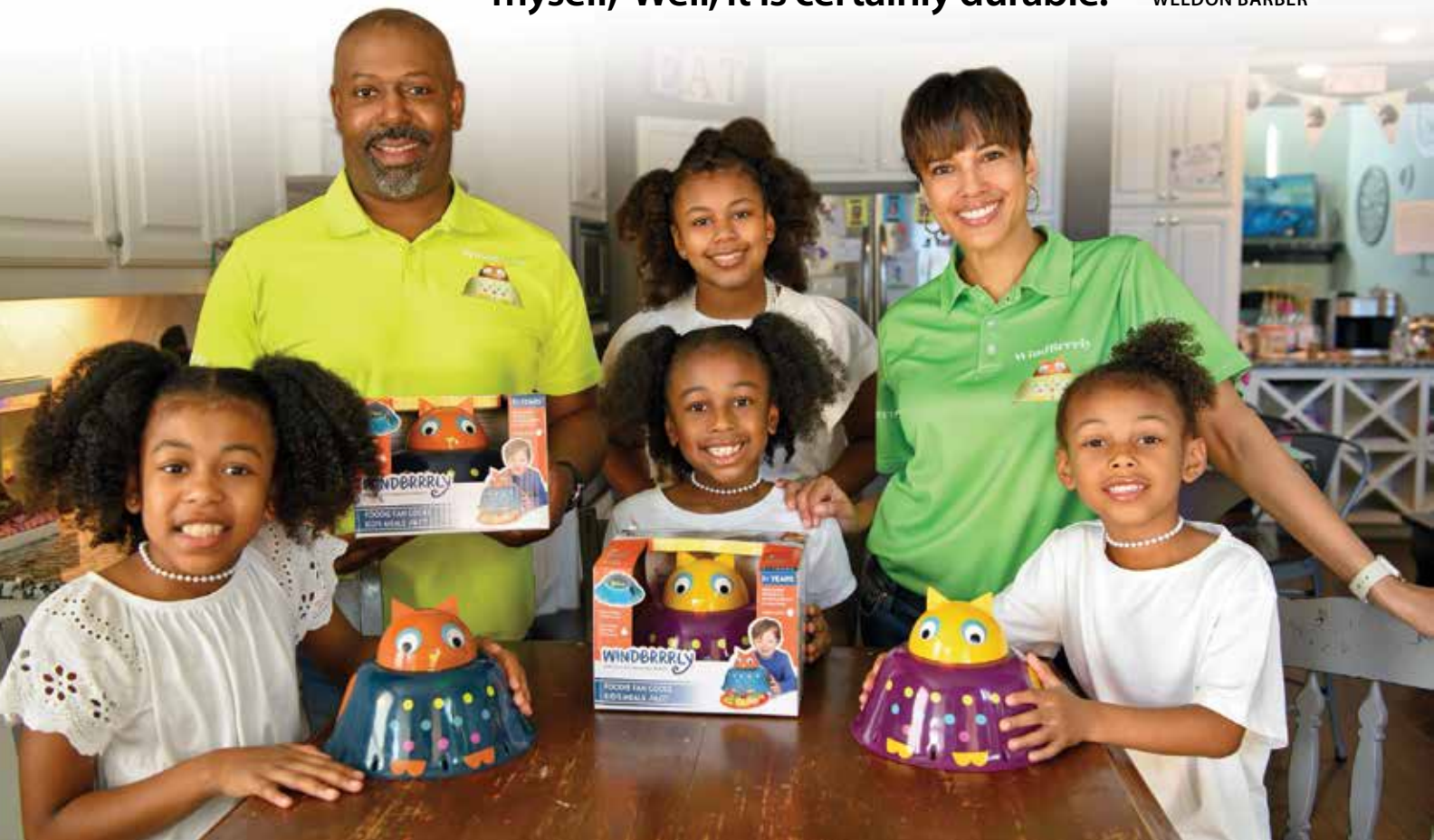
Weldon Barber (WB): As a Texas A&M University business alumnus, I always had a particular interest in entrepreneurship. A grown kid at heart, I did open a Small Laser Tag facility before starting my special education teaching and coaching career. I think I have always wanted to help young students find their strides.

EGT: How did the WindBrrrly Buddy concept come about?

WB: This is a very peculiar story. We became a family of six rather fast and suddenly had four little

Weldon Barber shows off WindBrrrly Buddy with family members (front row, from left) Aurora, Ariadne, Artemis; and (back row) Andromeda and his wife, Alissa.

"I remember our youngest daughter, Ariadne, throwing it down for fun and thinking to myself, 'Well, it is certainly durable.'" —WELDON BARBER



ladies to feed dinner. Things can get very hectic and tumultuous, especially during mealtime.

My wife, Alissa, was trying to get all of the meals prepared using whatever means necessary—as hard-working, multi-tasking mothers do every day, all day. I remember asking her way too many questions, and she said something both of us will never forget.

“If you really want to be helpful right now, then you will make something that can cool their food down without me having to blow on food for four kids. I want them to eat without burning their mouths.”

I remember being frozen at that point. My mind started racing. I already teach tactile concepts combined with math and science elements.

Something just clicked. She had just described what would evolve into WindBrrrly Buddy.

After much experimentation, research on convection properties and a childlike usability focus, I knew that this would be a very special project. After I developed a prototype, I located a manufacturer that I had originally seen in D magazine [which covers the Dallas/Fort Worth area].

I talked him into a meeting at Starbucks. This gentleman told me, flat out, that his experienced eye can tell if a product has legs or not—and that most don't. Two minutes later, after I heated a bread loaf and showed him what WindBrrrly could do, he said, “You have something here.”

We were off to the races from there. Those were very exciting times.

EGT: What is the age range for WindBrrrly—and, if sold in the United States, does it comply with the Consumer Product Safety Commission's age-appropriate testing requirements?

WB: WindBrrrly has been certified by Quality Inspection Management (QIMA) and passed all current Consumer Product Safety Commission testing requirements for all children over 2. We, as teachers and parents, have spent a lot of our energy and time making sure WindBrrrly stood out for safety and durability.

I remember our youngest daughter, Ariadne, throwing it down for fun and thinking to myself, “Well, it is certainly durable; she is a rough one.”

EGT: Where are you manufacturing? Any problems with manufacturing or logistical issues?

WB: We have been supported in this area with a wonderful international company out of the Shenzhen Province in China.

A mentor recommended Hansen King because of their quality and reliable customer service. They have been exceptional and really pull for a new product to succeed, which is not easy to find from your manufacturer.

EGT: From where are you selling?

WB: We are selling exclusively on Amazon. It is such an effective platform for getting a product to consumers worldwide with expedience and care. As we expand into retail, we will make sure to nurture our Amazon family and continue to provide WindBrrrly with enthusiasm.

EGT: How long did it take you to develop this product?

Did you need to create many prototypes before you were confident of a working model?

WB: It took around three years to finalize WindBrrrly as you see it today. Our goal was to create something sleek, efficient and long-standing while priced to be accessible to everyone.

Those goals were hard and time consuming, but we and our customers now get the best version of WindBrrrly out of the gate instead of just a first-edition product that needs refining.

EGT: Is WindBrrrly patented? If so, has it been a difficult or costly process?

WB: WindBrrrly is patented, and that process is always costly and tedious. Fortunately, we were able to get our patent granted, and that allowed us to effectively hone in on our unique design. The confidence that we obtained with that type of protection, I believe, was the intended purpose of the United States patent process: to protect hard-working imaginations.



The lid is also an interactive toy for kids.

EGT: Who handles your PR?

WB: We have an Amazon-focused PR/marketing manager who works to maximize and coordinate all of our multi-social branding and latest technology advancements to promote WindBrrrly.

EGT: Will you be adding any products?

WB: Yes, we will be adding a new color for WindBrrrly. Functionally, it works the same, but we want to give our customers an aesthetic color option.

EGT: Can you offer any advice on developing a children's product from idea conception, through to sales and marketing?

WB: Absolutely. First and foremost, you must

find mentors. The process is long and hard but not impossible.

The lesson I had to learn is that the time it takes to completely get the product and logistics completed is long. It is not long to torture you; it is long due to the multitude of problems you must solve if you want to see something from beginning to end that you believe is worth the struggle.

I am a teacher and mentor at heart; I would like to encourage inventors to stay positive, stay focused, and enjoy the process along the way. 🍀

Details: WindBrrrly.net; WindBrrrly@gmail.com

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





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The title 'LIGHTSPECTRUM' is rendered in a large, playful, hand-drawn style. The word 'LIGHT' is in black with white dot patterns, while 'SPECTRUM' is in white with black dot patterns. The letters are set against a background of vibrant, wavy rainbow stripes in shades of green, blue, orange, and red. The overall aesthetic is bright and creative.

LIGHTSPECTRUM

CHRISTINA COLLURA'S WORK WITH SON'S AUTISM INSPIRES EDUCATIONAL, CHALKBOARD-BASED PUZZLES **BY REID CREAGER**

THE UNMISTAKABLE RED FLAGS snowballed before Christina Collura's blue eyes as she watched the early development of Luca, her youngest son: fine motor skills challenges; lagging oral communication; problems with social interaction.

Her active, irrepressible son was 3 years and 2 months old in May 2016 when she took him to a doctor for what was a foregone conclusion. After the formal Autism Spectrum Disorder diagnosis, it was easy to imagine her coming home and asking herself:

"Now what?"

"That is literally what I said," remembers the mother of two and 20-year elementary school teacher from Stouffville, Ontario, Canada. "I cried for a little bit."

She was determined that his learning wasn't going to be a barrier. "It was going to be figuring out what worked for him and then going with it."

Challenged with this and painful life circumstances, Collura was prepared to plow through times when hope went dark. One source of light was right there all along.

Light-switch moment

Luca is a name with Italian roots meaning "lux," or "light." She wasn't aware of that until this interview, but it couldn't be a more perfect fit.

After his diagnosis, Collura—who has also taught special education and kindergarten—discovered all the learning tools at her disposal "were just not cutting it. But I knew his diagnosis wasn't going to be an end-all. It was going to be the beginning of a beautiful journey."

Luca was struggling heavily with fine motor challenges. "Even just the simple act of holding a pencil was stressful to him."

About a month after the diagnosis, she took a regular name puzzle with the letters of his name. Underneath the four letters was a horizontal blank piece consisting of indented spaces with the shapes of the letters in his name.

"I decided to take chalkboard paint and just paint within the indented spaces," she says—the literal and figurative signature strokes of Creative Beginning, chalkboard-based puzzles that are encouraging and empowering people from kids to seniors. These educational tools are exploding

Christina Collura "decided to take chalkboard paint and just paint within the indented spaces"—the literal and figurative signature strokes of Creative Beginning, chalkboard-based puzzles that she estimates have helped 20 million people from kids to seniors.

PHOTO BY @SLOWSONUNDAYS



Sons Luca (left) and Joseph (right) are proud ambassadors for autism awareness.

in the United States, Canada and Australia, and touching other corners of the world.

With the addition of the printing component, the puzzles build fine-motor skills. The puzzle is labeled with colored shapes for a multi-part learning experience that includes the identification of numbers, shapes and colors. For printing

and drawing, the chalkboard puzzles include 4-6 pieces of small chalk.

The idea for a chalkboard base was a natural because Luca likes the feel and use of chalk. Within four weeks, he was able to write his name and recognize it.

"Something magical happened where it was almost like a connection between his world and my world," she recalled with some emotion.

As he was able to write within the indented spaces, not being able to go out of the lines, her light had a new light in his eyes.

"It was completely mind-boggling to me. So, I brought the same concept into my kindergarten classroom at the time with a child who was also on the spectrum."

She quickly found that other kids wanted to play with the puzzle as well. "That inclusive factor sort of just like kicked in right away. There was no mention of a diagnosis. It wasn't 'He's autistic, she's not.' It was, this is a puzzle that we all want to play with."

Boom with a view

Suddenly, Collura had her second "Now what?" moment of the year.

This one was less daunting and much more exciting.

"Something magical happened where it was almost like a connection between his world and my world."

—CHRISTINA COLLURA,
AFTER SEEING HER SON WRITE HIS NAME
FOR THE FIRST TIME



She decided she needed a prototype. “And how do I apply this to a full alphabet? How do I get a patent? It was like, ‘boom, boom, boom.’ Because I knew that if somebody got their hands on this idea, we all know what will happen.”

The details could become overwhelming as a “single mom, a one-woman show” also tasked with teaching young children. So she worked with Luca on his therapies for a while before going full throttle, using the prototype in her classroom and seeing the need to make her invention a product.

Eventually, expansion included a full alphabet and number board with the chalkboard base, indented space and tracers. Collura also designs and paints the puzzles.

Her invention journey has presented some pleasant surprises, such as conducting a prior art search and finding nothing like her idea. Her discovery was even more groundbreaking than she thought.

“So my concept comes out patent pending, everything is in order. And then there’s a study released by the Science of Reading [an interdisciplinary body of research spanning over 40 years, providing evidence-based insights into reading instruction] that states that using identification and printing in unison for the success of printing will yield greater results than just identification.

“It was just something that I couldn’t wrap my head around. You mean to tell me—I came up with this before you did?”

She says her company has the necessary intellectual property, with the chalkboard-based concept—the ability to put chalk within the indented spaces—at the top of the list as a patent pending.

“There’s nothing like it out there. That’s me.”

Global ambassadors

Luca is the second light in Mom’s life, chronologically. He and Joseph—four years older at 16, his proud supporter and protector—enjoy their roles as young ambassadors for autism awareness through Creative Beginning.

Collura looks wistful about piecing together the Luca puzzle during these post-diagnosis nine years. He’s comfortable with being the face

of his mother’s invention despite social interaction challenges.

She says that “with oral communication, he didn’t fully speak in sentences until at least only until Grade 1 but he could identify numbers and letters and shapes. At 18 months, he told me ‘156’ but couldn’t put a sentence together. Even ‘Mama’ didn’t come out for a little while. ...

“He might have a little bit of giftedness in him because early, he would process the smallest details. He has an obsession with details. His technology base is incredible, impactful.”

Luca loves animals. “We had a therapy dog that we just said goodbye to in the summertime, and she was very, very in tune with Luca. I can totally see him doing something with animals” as a career.

CHRISTINA COLLURA

OCCUPATION: Teacher

BORN: Toronto

HOME: Stouffville, Ontario, Canada

FAMILY: Sons Joseph (16), Luca (12)

EDUCATION: Honors Degree in Kinesiology; Bachelor of Education, Sports Administration

FAVORITE MOVIE:

“Atypical” (U.S. drama and comedy TV series about living with a child with autism)

FAVORITE BOOK:

“She Means Business,” Carrie Green

HOBBIES: High level of soccer and fitness

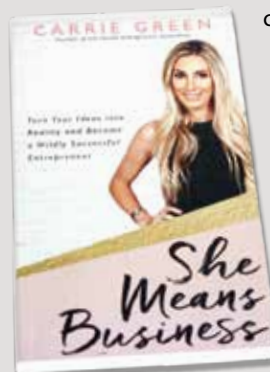
FAVORITE SONG: “Anything,” Morgan Wallen

MOST INSPIRATIONAL PERSON:

My dad, who pushes me to be the best I can be and has always been my biggest cheerleader! On top of that, he is the most resilient and the one who perseveres through life’s greatest challenges.

FAVORITE QUOTE:

“The question isn’t who is going to let me; it’s who is going to stop me.” —Ayn Rand



“I use the perspective of, I would never give up on a child. I would never give up on someone in my classroom.”

Joseph exudes a tender, brotherly love for his sibling that is mature beyond his years. But he’s still very much a teenager who “knows what bothers Luca and will trigger him a little bit.”

He also makes it clear he’s the only one allowed to mess with Luca. A standout baseball player standing 6 feet 2 though not quite 16, “Joseph will use his presence to make sure

people know that ‘This is my brother.’ He just has to stand there.”

She and her boys enjoy being first-person myth-busters: “The biggest myth about autism is that these kids are not teachable. I think it comes from people’s perception when you meet a child in the spectrum. We automatically think that because a child is diagnosed that they can’t do things that are typical in the mainstream.

“But you adjust and adapt to what they require to learn. It seems so simple, but people just get stuck on ‘Oh, gosh, it’s gonna be a challenge.’ Well, who is perfect?”

Her passion for advocacy entails numerous public speaking events because “it’s about educating and providing that understanding. And if you don’t educate and don’t have conversations, no one’s gonna learn.”

She also works to dispel the notion that people on the autism spectrum lack empathy. “They often have really deep empathy. But they may express it differently” than what you usually see.

Newly found audience

A leader who follows the light, Collura emphasizes strengths in her children and others—to the extent that she wrote an award-winning storybook on the subject a year and a half ago. “Have You Filled Your Pie Today?” debuted at No. 1 for inclusive education on Amazon.

“There’s no mention of any diagnosis in the book. It’s all about different kids that have different needs, and how do we address those needs? How do we build on the strengths they already display? I connected it to the chalkboard-based concept as well.”

One strength exhibited by Collura—as a person as well as an entrepreneur—is her understanding that everyone learns at different paces.

“The best part about our puzzles is that they’re progressive learning. You can figure out where you are in the learning process and then adapt to the different puzzles depending on where you are.”

Her most proud honor is being named to the top 100 women of influence for autism awareness “out of Austria, of all places. It was

HONORS ILLUMINATED

Since graduating top of class in Education, Christina Collura’s honors as an entrepreneur and advocate dovetail with the growth she embodies:

Mom’s Choice Awards—a Virginia-based, international program that evaluates and recognizes products, services, media and programs designed to benefit children, families and educators. The award is given to items that demonstrate excellence in family-friendly products and services.

Parents’ Picks Awards—highlights the best products, services and brands for families, based on their quality, usefulness and popularity among parents.

Top 100 Women of Influence (2021)—autism advocacy and awareness

RBC (Royal Bank of Canada) Women of Influence Top 100—given to women in Canada who have made a significant impact in their respective industries, communities or organizations. It recognizes women leaders who demonstrate outstanding achievements, innovation and leadership.

Certified Autism Resource—IBCCES (International Board of Credentialing and Continuing Education Standards) reviewed and certified Collura’s chalkboard-based concept for meeting one or more areas of the autism competency standards (behavioral, program development, childhood etc.)



something that I wasn't expecting. ... It was like at that moment, I knew I had been heard. And who else is it going to reach next?"

She recently found out.

A few months ago, she got an email from a nursing home with a dementia patient "obsessed with our alphabet puzzle because he's showing us he still remembers how to print. It's like occupational therapy for them."

Collura sees future opportunities with her product and senior citizens because it can help anyone at any point in their lives. It all began with that simple mission—the basic purpose and desire of any teacher.

"I think the invention itself came from my teaching background," says Collura, currently teaching third- and fourth-graders in Toronto. "I firmly believe that. It came from the thought process I have with helping kids, and it becomes a lot more personal when it's your own child.

"I use the perspective of, I would never give up on a child. I would never give up on someone in my classroom. If they came with challenges, I would never just toss them aside. I would figure out what works for them.

"So when Luca was diagnosed, my mind shifted in the same way. "



With the expanding reach of Creative Beginning, Collura says she's "go-go-go" with a mission that won't stop-stop-stop.

"It's about making an impact, a word I use a lot," she says. "There are so many perspectives that people can take from what the puzzles bring, and I'm grateful for helping to do that." 📌

Details: creative-beginning.com

LOVING STRATEGIES

Christina Collura's top five strategies to navigate life with a child with Autism Spectrum Disorder (from Medium.com):

1. One day at a time! Figure out how your child learns! Build on their strengths and figure out how to "fill their pie"—by building on those strengths.
2. Someone is always going to have an opinion—but your insight into your child is stronger! Don't be afraid to speak up to the negativity. Be your own child's best advocate!
3. Caring for a child with ASD can be demanding, so it's important to take care of your own well-being, too. Don't hesitate to seek support from other parents, therapists or support groups. Taking care of yourself will enable you to be the best possible support for your child.
4. Children with ASD often thrive on routine and predictability. It helps reduce anxiety and provides a sense of security. Create daily schedules that include regular times for meals, school, therapy and play. Visual schedules can be particularly helpful.
5. Communication challenges are common in children with ASD, so developing effective ways to communicate is crucial. Depending on your child's needs, this might involve speech therapy, using picture exchange communication systems (PECS) or learning sign language. Consistency and patience are key.



A Hostile Environment

EVEN THOMAS EDISON WOULD HAVE TROUBLE GETTING A PATENT TODAY. HERE'S WHY **BY LEWIS M. RAMBO**

A **U.S. PATENT SYSTEM** highlighted over the past several centuries by the ingenuity of Thomas Edison, the Wright Brothers, George Washington Carver, Beulah Louise Henry and others is currently broken.

The system now makes it virtually impossible for individual inventors—the tinkerers working in their basements, attics and garages—to obtain, retain and defend their patents.

Our patent laws and regulations are stacked against them, and most inventors are over-matched by companies and corporations with deep pockets that are desperate to avoid paying up when they are infringing.

Between 1868 and 1933, Edison was granted 1,093 U.S. patents. Today, as an individual, not as The Edison Lamp Works, he would have to come up with thousands of dollars

to get a single patent approved by the United States Patent and Trademark Office (USPTO) ... only to have to face the prospect of having to find millions to fight even more costly legal battles in federal court to hold on to his intellectual property rights.

The increasingly hostile environment for solo inventors has all but invalidated America's

claim as the world's leading innovator. In fact, individual inventors received just 6 percent of the patents issued by the USPTO in 2022; that figure was 12 percent in 2002 and 22 percent in 1980.

It is clear that reversing this trend must be addressed before our solo inventors become as obsolete as Eli Whitney's cotton gin.

Even more troubling are today's company employment agreements—which, in most cases, require employees to waive their rights to what-ever they discover, invent, or create on and off

the job. And that is even if said discoveries are completely unrelated to the employee's job and/or work responsibilities!

A progression of intrusive laws

Understanding the broken patent system requires basic knowledge of how to obtain a patent and how to navigate the patent application process.

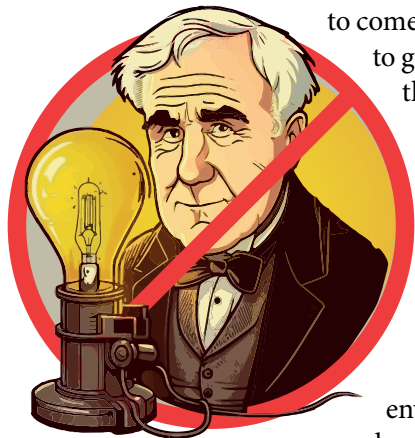
Article I, Section 8, Clause 8 references the Patent and Copyright Clause in the U.S. Constitution, which empowers Congress “to promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries.”

Regrettably, over the years, that mandate and its effectuation have become muddled and more muddled.

The Patent Act of 1952 further muddled the waters by specifying that inventions must be not just “new and useful” to be patent eligible but also “non-obvious.” Further problematic changes were made in 1999 when Congress allowed challenges to patents—called Re-examinations—to be waged in federal court. This provision resulted in a deluge of challenges, severely clogging our judicial system.

In 2011, Congress enacted the Leahy-Smith America Invents Act, a well-intentioned effort to expedite patent challenges. It was designed to move challenges out of the court system and into a new administrative entity, the Patent Trial and Appeal Board (PTAB), within the USPTO. The PTAB has had mixed effectiveness and has been the subject of considerable debate.

In its 2018 report, The Chamber of Commerce's Global Innovation Policy Center said “the ease of challenging patents” in the United States has created a system that “provides a channel for bad faith actors and injects a great deal of cost and uncertainty for patent owners.”



Newer efforts have problems

In 2023, Congress passed The Patent Eligibility Restoration Act (PERA). A companion piece of legislation, The Promoting and Respecting Economically Vital American Innovation Leadership Act (PREVAIL), is under serious consideration.

Unfortunately, both PERA and PREVAIL present challenges and disadvantages for individual inventors that are not apparently obvious. In fairness, these bills were written, in part, to assist small companies and/or individual inventors. But both continue to provide significant advantages and protections to large corporations.

PERA introduces additional requirements that disproportionately burden individual inventors with more detailed documentation, more complex technical specifications, higher standards for proving novelty and non-obviousness, and increased administrative burdens. These requirements, plus additional legal expenses for drafting complex patent applications, filing and ongoing maintenance fees make the patent application and maintenance process daunting for an individual inventor.

These burdensome prerequisites are just the beginning. Once granted a patent, the holders can expect to face potentially massive litigation costs to defend and/or protect their IP in court.

PREVAIL establishes evaluation criteria that implicitly favor established research networks because of the requirement for scaled production and extensive market research. These new requirements put unrealistic demands on the financial and resource capabilities of almost any individual inventor.

In sum, intentionally or unintentionally, both pieces of legislation have created competitive disadvantages that tend to give preferential treatment to corporations with research and development capabilities, along with extensive administrative support functions and financial resources.

Let's nurture the true wizards

There is no such thing as a perfect solution. Often, sincere efforts to “fix” a serious problem have unintended consequences.



Individual inventors received just 6 percent of the patents issued by the USPTO in 2022.

Our patent system continues to hamper our solo inventors. It is crucial that we find an equitable system that supports and rewards our imaginers, tinkers and inventors—who, working largely on their own, have helped make the United States one of the most innovative, dynamic nations in the world.

Today, more than ever, our vital “innovation engine” must be nourished, encouraged and protected against predatory corporate actors. If it isn’t, we will have to quit beating our chests about our superiority and stop waving our innovation banners and come to the realization that the golden innovation goose does not lay her eggs for nothing.

Let’s try to find a sensible, fair minded, reasonable way to nurture, encourage, motivate and reward the next generation of “Wizards of Menlo Park.” ☞

Lewis M. Rambo, who has a PhD in Organizational Psychology, is a licensed psychologist. He is an executive coach who consults with clients and advises not-for-profits, young entrepreneurs and tech startups. He has been dean of an international business school and has taught corporate social responsibility, ethics and organization behavior to MBA candidates worldwide.





Go Beyond Your ‘Gut’

INTUITION CAN BE DANGEROUS WITHOUT HAVING THE NECESSARY FACTS AND EXPERIENCE **BY WILLIAM SEIDEL**

IN EVERYDAY CONVERSATION, “going with your gut” is seen as practical advice.

This means to trust your feelings—rather than relying on facts, research or reasoning.

The gut feeling, or intuition, plays a part in all our lives. Everyone has a gut feeling or inner voice. This may be subconscious but is usually a feeling without much thought.

The gut response is often confused with instinct—which is a primal, automatic response based on survival.

The instinct to flee from danger is a fight-or-flight response. However, it is intuitive to walk away from a danger you haven’t even identified.

We subconsciously perceive signals around us that our conscious mind does not. They manifest in our gut and tell us something is right—or wrong.

When we see an accident, the physical reactions of increased heart rate, nausea and dizziness come from your brain and trigger the response in your gut.

There is no doubt the gut response is physiological. It is also heavily influenced by feelings, emotions and opinions.

When supported with facts and experience, it can be good. When it is lacking facts or dependent on inexperienced opinions, it can be bad.

Watch the risk factor

Many who go with their gut do so because they are lacking the facts to make an informed decision. This is not a good reason. It is usually a last-ditch attempt because there is no other option.

There is little risk going with your gut for buying a pair of jeans or deciding where to have lunch. Buying a new car or house requires more analysis, because there is much higher risk. You look at other options, carefully decide which is the best choice, and soul-search to be certain you need to do it.

Do you feel lucky? Luck favors the prepared.

Forty-five percent of executives depend on their gut decisions when they are backed by the strength of their deep industry experience.

If you have years of experience and have extensively researched the situation, the solution should be clear. You are confident and don’t have to question how you know; you just know.

You have the information to make an informed decision, and you know it’s right. You trust your gut and don’t overthink your decisions.

A poker player with years of experience knows what a winning hand looks like.

I have been told many times by leading companies: “Bill, we can’t tell you what we want, but we’ll know it when we see it.”

To which I always respond: “Would you recognize it when you see it?”

True innovation rules

When an invention is truly innovative, it changes the rules.

Would you have predicted the success of Trivial Pursuit, the Super Soaker, Cabbage Patch Kids, or Teenage Mutant Ninja Turtles? The top toy professionals with all their industry experience did not see potential for these billion-dollar superstars.

The leading expert opinions claimed, “Trivial Pursuit is too expensive, and adults don’t play games.”

“Squirt guns are 69 cents. You’re overpriced.”

“Rag dolls are outdated and will never sell.”

“Teenage Mutant Ninja Turtles are too dark. You can’t be serious!”

All wrong gut reactions.

So, the gut reactions of experienced professionals work great within the rules and industry standards. Innovations break the rules, and there is no way to evaluate it.

Recognizing an improvement is relatively easy. Seeing into the future to predict the potential for the commercial success of an entirely new product is high risk.

This usually comes with high cost and a gut response, because it is unproven. This exposes the deciders, and too many wrong decisions could cost them their job. Hence the resistance to innovation.

This ... was a gut punch

I have been a victim of bad “go with your gut” decisions. Working with some of the greatest entrepreneurs of our time, I got to see it first-hand.

Very successful entrepreneurs who could afford to lose several million decide to go with it because they liked it, even when the customers and testing showed not to do it.

Similarly, going with your gut to reject an obvious opportunity is equally as bad.

I discovered Jay Kordich selling his Juiceman juicers. He preached the health and vitality of fresh juice and was the most empowering spokesman I ever met. I brought him into our

office, we shot a pilot and tested it with our existing appliance customers.

The response was 10 times our best-selling appliance, so with an enormous profit margin it was a rare opportunity. I presented it to the board, and our recently hired CEO hated it. He completely ignored the customer response, believed his personal opinion—and he was wrong!

With the pilot and what we had proven, Jay went to one of our competitors and had a first-year startup over \$100 million. We were soon looking for a new CEO.

Many who go with their gut do so because they are lacking the facts to make an informed decision. This is not a good reason.

The Custer Factor

Many inventors charge into battle with a pocket full of borrowed money, little understanding of the business and no usable research to support their decisions. Operating on bad intelligence or the wrong information has caused armies to be massacred.

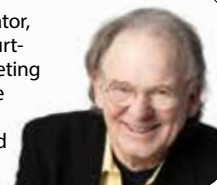
I call this the Custer Factor.

This is analogous to a product startup charging into giant resellers, overconfident, lacking critical market information and finding an impenetrable wall of competition. This usually spells failure.

So, improve your gut with fact-based decisions to get the right message, to the right customer and the plan to create demand. The better informed, the better the decisions, the better your gut.

Your gut feelings are only as good as your experience. So go with your gut for love, where to have lunch and which jeans to buy. ☺

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.



Taking Good Measure

EXAMINING THE PROPERTIES OF CONVENTIONAL
(AND UNCONVENTIONAL) SYSTEMS AND TOOLS **BY JACK LANDER**

THERE ARE two systems of measurement for our prototyping parts: the United States', with inch, foot and yard; and the metric system, based on the meter (to which is added a modifier such as millimeter, centimeter, etc.).

A millimeter is .03937 inches long—or, for practical shop purposes, .040 (forty thousandths) of an inch. A centimeter is .393701 (four tenths) of an inch, for which it is customary to drop the .01 (fifth and sixth digits)—thus, .3937 of an inch.

So, which of these systems should you use for prototyping?

Well, I have found that my design time is significantly shortened when I use the metric system, or a variation of it. The arithmetic is, of course, easier and faster to compute than using the inch.

However, if your customer is buying your physical prototype and a set of drawings, you may have to furnish the drawings in inches.

A third system

Fortunately, there is a compromise: a third system of measurement that divides the inch into thousandths of an inch. This is simpler than you might think and no doubt better than the unmodified inch system, wherein the smallest practical unit of measure is 1/64 inch (1/4, 1/8, 1/16, 1/32, 1/64).

Of course, you can divide by two again for one more step, 1/128—but it is almost impossible to

measure even 1/64 inch using what is generally misnamed a “ruler.” And 1/128 inch is .0078125 (about 8 thousandths of an inch).

So, as mentioned, a compromise exists: dividing the inch into one-thousand units, the smallest practical unit of measure.

With this system, you get the benefit of the main multiplier being 10, not 12 (as in a foot). So, the system is a combination of the old English system (British Imperial System), the inch/foot/etc./ and the metric system's powers of 10 for the smallest practical unit of measure, one-thousandth of an inch.

In other words, we use an inch for size an inch or larger, and 1/1000 inch for anything less than an inch.

You might ask why 1/1000 inch got to be the smallest practical unit of measure. The answer is the same as, “How does a violinist get to Carnegie Hall? Practice, practice, practice!”

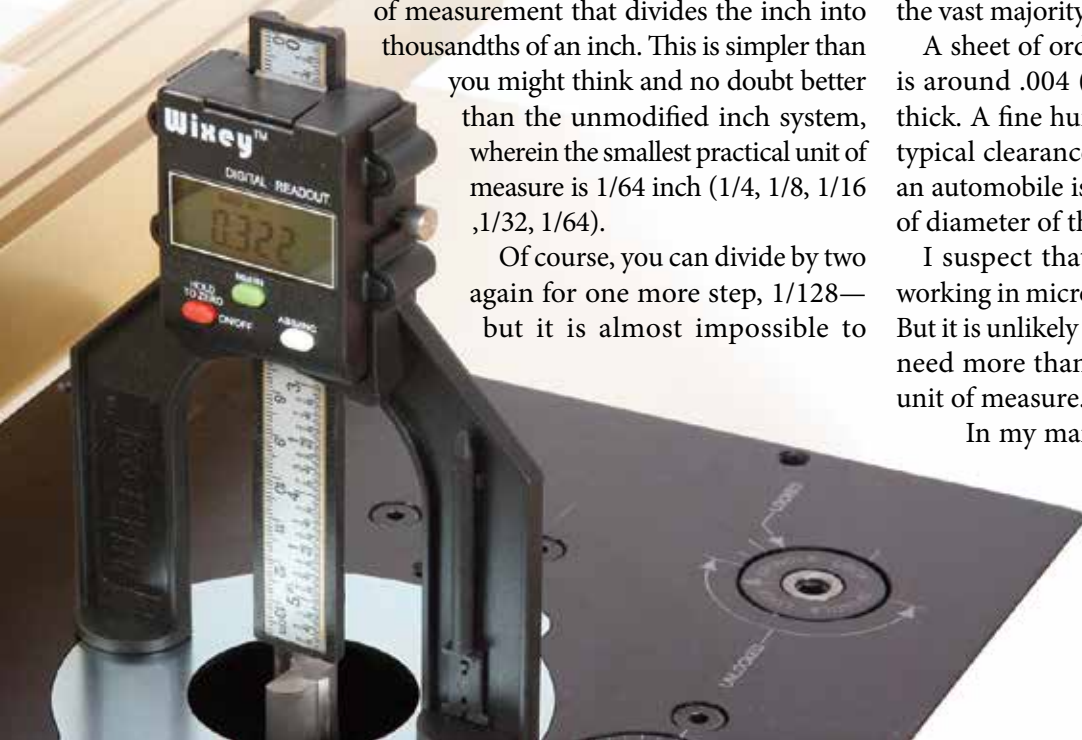
A thousandth of an inch, also known as a thou or a mil, is practical because it accommodates the vast majority of familiar items we measure.

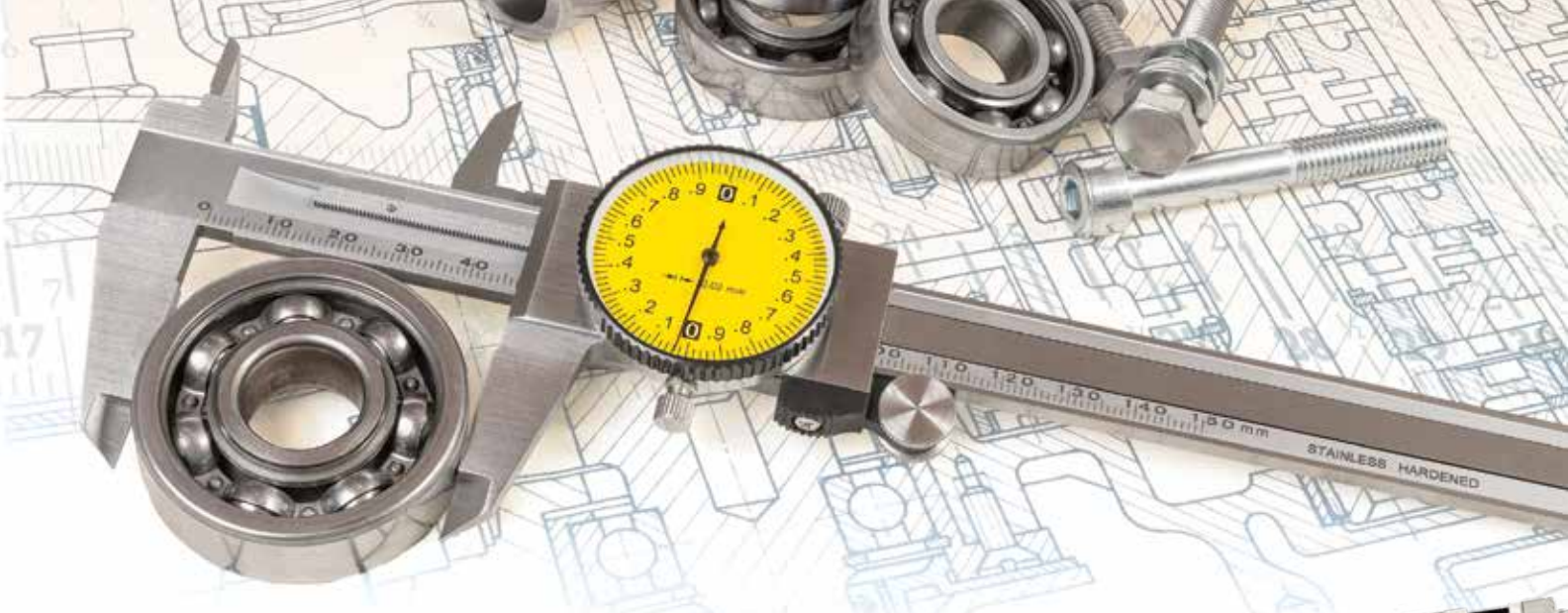
A sheet of ordinary paper for home printers is around .004 (four thousandths) of an inch thick. A fine human hair is less than .001. The typical clearance for oil on engine bearings in an automobile is about one mil (.001) per inch of diameter of the crank shaft.

I suspect that programing chips today are working in micro inches (millionths of an inch). But it is unlikely that as a prototype you will ever need more than a mil (.001) as your smallest unit of measure.

In my many years as a product designer and prototype, I have never had to measure smaller than .001 (a thousandth) of an inch.

Many calipers have electronic readouts, like this horseshoe-shaped height gauge.





There is a third system of measurement that divides the inch into thousandths of an inch. This is simpler than you might think.

2 main tools

OK, that's settled, right? Now, what measurement tools do we use to measure in mils? (Hint: it's not a micrometer.)

Two measurement tools will cover 99.9 percent of anything you will need to measure. First is a dial caliper.

The dial, which is the round section, is split into 100 divisions. When you measure something larger than 100 mils, you refer to the dial and the horizontal scale—which is graduated in 100 mil increments, of which there are 50 (five inches). Newer calipers usually cover 6 inches.

My dial caliper is 10 inches long overall, a handy size for most measuring. But they are available in longer sizes. Amazon.com has a very nice selection that will answer your needs.

You will notice that many calipers have electronic readouts. I'm old-fashioned and don't entirely trust the electronic type.

When I look at my dial, I see a direct reading—no translation from mechanical to electronics necessary. And no battery to go dead. The electronic readout types are generally more expensive than the mechanical readout.

All calipers offer internal and external measuring capability. Amazon's prices range from \$18 to around \$60. (Hint: Buy a stainless steel model. Mine still looks like new.)

The only other measurement tool you will need is a height gage. You won't use this as

often as your calipers, but when you need it, there is no substitute.

To obtain maximum accuracy, a height gage is based on a granite surface plate. But for most prototype work, a piece of new or used plate glass (not ordinary window glass!) will provide adequate accuracy.

New to me is the horseshoe-shaped height gage. It is no doubt a bit more difficult to use than the conventional stand-alone type, but the \$20 price tag should appeal to the prototyper who is not building Swiss-jeweled clocks.

Apparently, Amazon does not offer a height gage with a round dial, like the calipers it offers. But check out other machine shop tool suppliers for non-electronic models.

Has the old micrometer bitten the dust? I own one but find that my trusty dial caliper has replaced the infrequent need for a micrometer, and the caliper's range is much greater.

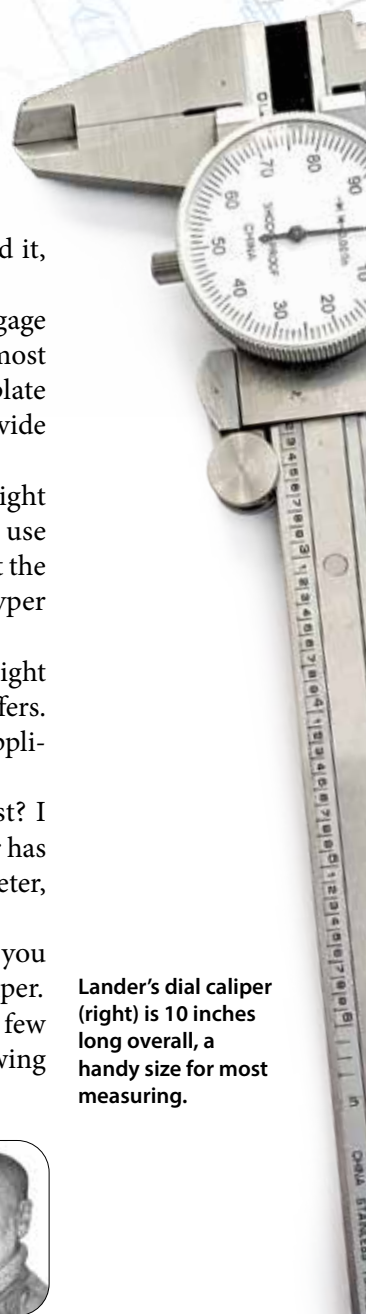
If your great-grandfather hasn't willed you his, I suggest you put your money on a caliper.

Meanwhile, a measuring tape still has a few uses, like measuring kids who are outgrowing their clothes. 📏

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.



Lander's dial caliper (right) is 10 inches long overall, a handy size for most measuring.



Start at the Finish

BACKWARD PLANNING WHEN SELF-PUBLISHING HELPS YOU SEE THE BIGGER PICTURE **BY APRIL MITCHELL**

MY PREVIOUS article, “Are You Game to Self-Publish?” explored what to consider as an inventor or designer before self-publishing a game, and included an experts’ checklist.

Now, after deciding to move forward with self-publishing or manufacturing, here are some things I find helpful to stay on track as I embark on this new journey.

Backward planning

Learning and knowing what we need to do and how to do it is a large piece of the puzzle of taking a product to market yourself.

The other key factor is figuring the timeline to make it all happen. Once you have that timeline, you can “backward plan.”

Starting with the end in mind can help get your project on track and stay there. It’s important to determine a goal date for having the product ready for retail.

From here, you need to think about when it needs to land in the country of sale—and, if having your product manufactured outside of the United States or country of your residence, when it will ship out. Give yourself plenty of wiggle room; timelines always seem to double what was originally expected. For example, some art may need to be tweaked, or a factory could get behind schedule.

For that matter, I suggest giving yourself double the time you think it will take, or the time you were quoted, every step of the way.

Backward planning every step of the process can help you paint the big picture. Your BP checklist:

- What date do you want your product available for retail?
- When should you start looking at factories and when to have a start production date
- When should you learn about what kind of file the factory needs for the artwork?
- When should you get a sample from the factory so you have time to make changes or improvements?
- When to hire an artist? How long of a time-frame is needed for the art to be completed and tweaked?
- When should you get your product safety testing—or how do you even learn if your product needs safety testing?
- When should you secure barcodes and QR codes, and what’s the best way to do this?
- When do you need to have a sample and one sheet/marketing material ready to show to retail buyers? Do you have to get it to them before a trade show to secure a meeting, or can you have it ready for the trade show?
- Do you know the retailer’s buying seasons? How to get a meeting? Can you get one on your own, or do you need a representative to help?
- How long does it take to set up a storefront or an Amazon listing?



- Do you need to hire a professional photographer to photograph your product—and if so, what kind of timeline do you need to consider?
- Should you hire someone to make a quick video of how to play your game or use your product?
- When is the best time to file a patent, trademark, copyright, etc.?
- When should you start sending samples to influencers or content creators to help launch and share about your new product?

Working with a designer

Most often, you will need to work with an artist or designer for your game or product, unless you are an artist yourself. You can use apps like Fiverr or Upwork to help find an artist, or you can use word of mouth or LinkedIn.

It's important to do your research and find an artist whose style and abilities match the style or look you want. Be sure this person works with the medium you would like used for your artwork. Discuss your timeline and their rate—which could be hourly, per character/item, or a price for the job as a whole.

If possible, have the artist design one card or one character to see if he or she can achieve the look or design you want. Once this one character or design is set, you can hire for the full job.

Communication is also very important. Be sure you are clear and lay out your expectations on how you'd like to work with them.

Managing expectations

Remember that you are brand new at this self-publishing or manufacturing gig.

Have a mentor you can go to and ask questions of, but be willing to take a pause and do some research of your own. This is not just a creative journey but a financial one, and costs can add up quickly.

Set a realistic budget for the project before you get started. Have some extra money set aside for the unexpected.

And lastly, enjoy your journey. It's only your first time once! 🎉

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



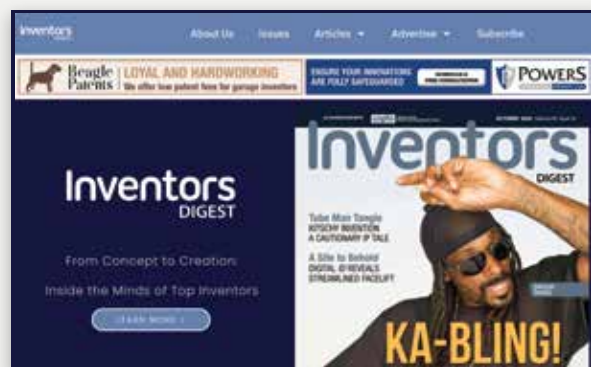
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Patently Chaotic

THE USPTO HAS A NEW BOSS, FOR NOW—ALONG WITH HUGE UNCERTAINTY AND TURNOVER **BY LOUIS CARBONNEAU**

A RECENT big announcement was the nomination of Coke Morgan Stewart, sworn in as the acting director of the United States Patent and Trademark Office on January 20. She replaced Derrick Brent, who served as acting director after Kathi Vidal resigned last November and left in December.

Stewart is generally viewed as having pro-patent views. The speed at which she was selected suggests that new Department of Commerce Secretary Howard Lutnick, confirmed February 18, is stamping his influence.

Because she is in an interim role, she does not yet need a confirmation. The question whether she will play a caretaker's role while others audition

for the permanent job, or if this is her job to lose.

Judging by recent confirmations of much more controversial posts that nevertheless received the assent of the full Senate, I will go with the latter.

Hopefully, this will quash the rumors that the frontrunner for the job was Intel's leader of IP policy, Vishal Amin, who many have decried as being the architect of the Patent Trial and Appeal Board (not meant as a compliment).

Meanwhile, the USPTO is dealing with the aftermath of the Fork in The Road memo sent by the Department of Government Efficiency's Elon Musk.

Many long-term employees have decided to leave, including Commissioner for Patents Vaishali Udupa (replaced immediately by Valencia Martin Wallace) among others. This, combined with a mandatory return-to-office policy for all PTAB administrative judges — though virtual patent examiners remain exempt for now—is likely to drive higher attrition. This is just as the patent application backlog reaches an all-time high.

We recommend paying the extra fee and requesting an accelerated examination for your U.S. applications—that is, if you want to see your patent issue before retirement!

Many long-term employees have decided to leave after the government's Fork in the Road memo, and a mandatory return-to-office policy for all PTAB administrative judges is likely to drive higher attrition. This is just as the patent application backlog reaches an all-time high.

Don't try this at home!

ALMOST 90 PERCENT of patents sold involve a broker. Given the complexities of patent transactions and the relationship-driven nature of the IP market, it's surprising that some inventors opt for the do-it-yourself approach.

First, only about 1 percent of patents are actually transactable, whereas even dilapidated property has intrinsic value.

Second, determining the price of patents is notoriously challenging. Value is subjective: Even if you believe your patents are worth something, potential buyers might not share that view. Some may even choose to infringe, banking on the hope that you lack the resources to enforce your rights.

Many patent owners struggle to connect with the right individuals in prospective acquiring companies. Even within large corporations, there is often no dedicated personnel or budget for patent acquisitions.

Another common misstep is failing to thoroughly evaluate patent validity risks before bringing them to market.

Approximately 80 percent of U.S. patents challenged at the PTAB are invalidated due to prior art. Although biases among PTAB judges may contribute to this statistic, relying solely

on the USPTO for prior art searches during patent prosecution is a sure path to failure.

Additionally, many patent owners have a distorted understanding of the scope of their claims, mistakenly identifying infringement where none exists.

The legal threshold for proving infringement is high; every element of a claim must align with the allegedly infringing product or service. Various issues can further complicate this process, including divided infringement, insufficient specification support, indefiniteness, concessions made during prosecution, and incorrect priority dates.

The saying goes: "If you think dealing with professionals is expensive, wait until you deal with amateurs." So, when you're considering selling a patent, please don't try this at home! 🚫



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.



NEW TOOL FOR PATENT OWNERS

If you're expecting the day when the PTAB is finally reined in and patent owners can fully exercise their right to a fair trial, as guaranteed by the U.S. Constitution, you may be in for a disappointment. Patent owners are adjusting accordingly.

Defendants who used to file serial inter partes reviews with 80 percent invalidation success are seeing the writing on the wall and have rediscovered another tool: the ex parte re-exam. Recent data by patent risk management firm RPX show those spiked by 26 percent last year.

(Editor's note: An inter partes review is a procedure for challenging the validity of a patent. Ex parte is a Latin term referring to court actions for the benefit of one party to a controversy without the other being present.)

RULING MAY RAISE DAMAGE AWARDS

Those who track the market like we do probably saw the recent announcement that one of Erich Spangenberg's companies (SIM IP) recently acquired a large portfolio in the haptics space. Although Spangenberg is not listed in my six factors that affect the IP market, he might as well be. He has always been the proverbial canary in the patent mine—except that he comes in when there is new oxygen.

I can't think of anyone who has read the market as well as he has in the past two decades. I joined him for a chat recently from his Paris perch; he was adamant that the patent market is ready for a long run. Patent owners, rejoice!





Your Words Mean Everything

POSSIBLE PRATFALLS ABOUND WHEN DRAFTING A PATENT APPLICATION, SOME OF THEM DEAL-BREAKERS **BY GENE QUINN**

PATENT ATTORNEYS darn near need to be magicians when it comes to language, which is the primary tool of our craft.

Picking the right word and the right way to say things is crucial. Even more crucial, perhaps, is not saying the wrong thing—or, worse yet, saying something that is clear but not what you intended.

Let's focus on a couple big-ticket matters that are easy to overlook, at least when patent novices are doing the drafting.

Thesaurus: Getting to know you

When picking and using the right language to describe an invention in a patent application, having access to a dictionary and thesaurus is an absolute prerequisite to being a good drafter.

If you are not doing this, you are doing yourself, or your client, a tremendous disservice. By using a thesaurus and then checking definitions, you are far more capable of coming up with the precise language to best describe the invention (or aspects of the invention) and distinguish the invention from prior art.

Of course, picking the right word is but one of the problems—and probably easiest to deal with if you train yourself not to assume you have a Shakespearean grasp of the English language.

A hot mess with one word

No article on precise language would be complete without the nearly obligatory reference to the 2004 case of *Chef America v. Lamb-Weston*.

In this case, the United States Court of Appeals for the Federal Circuit had to interpret the meaning of the phrase “heating the resulting batter-coated dough to a temperature in the range of about 400° F. to 850° F.” What should have been said was “heat the *oven* to a temperature in the range of about 400° F. to 850° F.”

If you actually heated the dough to between 400° F. to 850° F., as the patent stated, the resulting output would approximate a charcoal briquette. But that wasn't the federal circuit's problem.

The words chosen had a specific and undeniable meaning. Therefore, a charcoal briquette was unfortunately what was protected from the patent owner's perspective.

'The present invention'

Some will tell you that the use of the term “invention” or “present invention” in a patent's description (the specification) will limit the claims. The reality is that there is nothing wrong with using either term.

Moreover, the belief that avoiding those terms inoculates a disclosure from insufficiency issues is a simplistic view of what the law really says—so simplistic that you could actually follow the rule and still fall prey to the problem the rule is trying to help you avoid.

It is true that the federal circuit has said: “[w]hen a patent thus describes the features of the ‘present invention’ as a whole, this description limits the scope of the invention.” (*Verizon Service Corp. v. Vonage Holdings Corp.*). This, however, is a far cry from saying the use of the word “invention” or phrase “present invention” will import limitations into the claim or otherwise limit the scope of claims.

The absolutist view that these terms are wrong or dangerous misses the point entirely. The reality is that if you inartfully describe the invention too narrowly, you are stuck with that limited articulation.

In *Absolute Software, Inv. v. Stealth Signal, Inc.*, Judge Kathleen O’Malley explained that at times the federal circuit has said referring to “this invention” or the “present invention” can limit the scope of the claims, but at other times those phrases have not been interpreted to be limiting where a limiting construction is not warranted by the intrinsic evidence.

What Judge O’Malley is explaining is this problem: In a patent application, the invention has always been described as having A, B and C. If there is no support for the invention being anything other than A, B and C, your invention is limited to A, B and C.

The limitation has nothing to do with the use of the term “invention” or phrase “present invention.” You are prohibited from claiming A, B, C and D because you didn’t disclose an embodiment that incorporated D.

In other words, the disclosure is too narrow to support the claim you now seek.

However, because of the nature of language and how easy it may be to mistakenly limit yourself by careless, unintended use of the terms “present invention” or “this invention,” patent professionals may want to avoid the terms altogether.

That is fine. Just know why you are avoiding them, and that by avoiding the terms you are not necessarily automatically expanding the disclosure. You still need alternative versions of the invention in the specification to support those claims you will want later.

Too much Background

Another big problem relates to describing too much in the Background part of your patent application.

If you do such a good job describing the state of the prior art in the Background, the patent examiner may conclude that the only logical next step would be what you did and that therefore, you do not have an invention at all. By relying on your wonderful explanation of the prior art in your own patent application, the patent examiner may find your invention obvious in light of what you described.

For that reason, generally speaking the Background should ordinarily be quite short and to the point.

If you actually heated the dough to between 400° F. to 850° F., as the patent stated, the resulting output would approximate a charcoal briquette.

Don’t call it prior art

When the specification identifies work done by another as “prior art,” the subject matter identified is thereafter treated as admitted prior art.

For example, a statement by an applicant in the specification (or made during prosecution, for that matter) identifying the work of another as “prior art” is an admission that can be relied upon by the patent examiner for both anticipation and obviousness determinations—regardless of whether the admitted prior art would otherwise qualify as prior art.

Although this is frequently a problem in the Background, it can really be a problem anywhere.

So there is no need to refer to anything as “prior art” in a patent application.

Permissive vs. mandatory

Patent attorneys ordinarily focus on a positive description of the invention, focusing on what has been invented from a structural, mechanical standpoint. Positive descriptions are not without their own perils, though.

It is true that alternatives are the drafter's friend, but being careful with how things are conveyed is mandatory. Description of a variety of alternatives will expand the disclosure, providing greater opportunity for the patent owner to achieve broader coverage. But language choices throughout the patent application must be carefully considered. With alternatives, make sure you are using the right qualifiers.



For example, if what you are describing is really an alternative and not something that is mandatory, stay away from the words “critical,” “essential” or any synonyms. In fact, stay away from these absolute terms unless what you are describing is in all circumstances mandatory.

Generally speaking, you are better off using such absolute language sparingly, if at all.

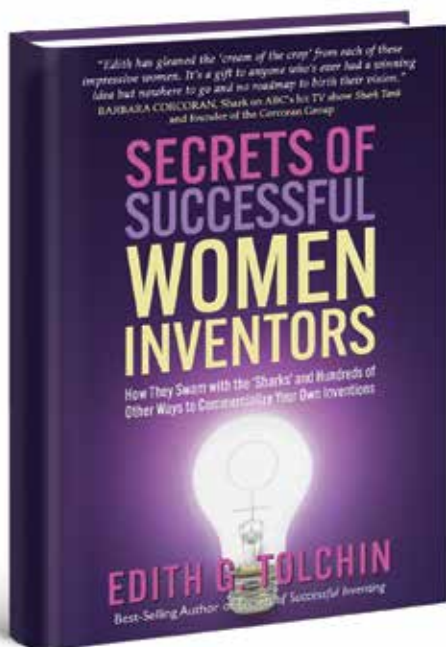
You can always add things introduced as optional or permissive into the broadest independent claim, making them mandatory for that claim set at least. But introducing something as mandatory in the specification does not give you the option of removing it from the broadest independent claim, so you get locked in.

Experimental language

What I refer to as “experimental language” either explicitly or implicitly suggests that further experimentation is, or will be, necessary in order to: (1) realize or perfect the invention; or (2) realize or perfect an intermediate or component.

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Edith G. Tolchin
(photo by Amy Goldstein Photography)

Edith G. Tolchin knows inventors!

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

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Resist the temptation to have your patent application read like a diary of thoughts, a scientific journal detailing how and why you did certain things, and/or personal observations regarding future research and goals. This type of language is usually not found in a patent application because it suggests that your invention is not yet completed—which could be used as an admission that the invention is not enabled and/or that you have not satisfied the written description requirement.

Claiming overly broad

In patent history, Samuel Morse (of Morse Code fame) ran into a written description problem when he tried to claim electromagnetism for whatever purpose later developed.

Truthfully, Morse had one particular use of electromagnetism, not all possible uses that may later be developed, so he was given a patent on the implementations he described with certitude.

If you are not in full possession of what you are articulating, you are hypothesizing, theorizing or just flat-out guessing. You cannot get a patent on a hypothesis, theory, guess or incomplete invention. So be careful how you articulate what you have and what you don't have.

Conclusion

The moral of the story: No court or judge will save you from poor drafting.

So, how do you prevent yourself from saying too much about an invention, minimizing what you have done with respect to your invention and otherwise putting your foot in your mouth?

Try and consider how someone who is unfamiliar with the invention would read what has been written. If the reader would be left with the understanding that there is more left to be done to realize or perfect the invention, you are treading on thin ice. Similarly, if you are using absolute language, you are likely painting yourself into a corner. ☹

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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Commerce, USPTO Comings and Goings

HOWARD LUTNICK CONFIRMED AS COMMERCE SECRETARY;
USPTO ADDING FAMILIAR FACES **BY GENE QUINN**

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

HOWARD LUTNICK, President Trump's nominee to become the next secretary of commerce, was confirmed for the position February 18 by a full Senate vote with a margin of 51-45.

IPWatchdog also reported in late January that Coke Morgan Stewart was appointed deputy under secretary of commerce for IP and deputy director of the U.S. Patent and

Trademark Office—which is part of the Department of Commerce—then immediately assigned the role of acting director. Will Covey will be named acting deputy director of the USPTO under Stewart.

We have similarly reported that Valencia Martin Wallace has been named acting commissioner for patents after Vaishali Udupa resigned, the latter electing to take advantage of the deferred resignation program offered

federal employees by President Trump.

Udupa became commissioner for patents in January 2023. Before joining the USPTO, she was leader of litigation for Hewlett Packard Enterprise, where she was responsible for leading HPE's intellectual property litigation and formulating case strategies.

Udupa replaced Acting Commissioner for Patents Andrew Faile. He served as acting commissioner after the retirement of Drew Hirshfeld, who was commissioner for patents from 2015 until his retirement from the office in June 2022.

Well known within the patent community as an advocate for diversity, Udupa joined the USPTO as a relative outsider. Although regarded as an excellent trial attorney, she did

not have any meaningful prosecution experience, which reportedly caused tensions at times within the office.

The commissioner for patents is effectively the head of the patent operation at the office and responsible for examiners and examination policy. This person has historically been a career senior executive employee who has typically risen through the ranks at the office, often starting out as an examiner.

Wallace, well liked and highly respected within the office, has spent nearly three full decades working for the USPTO. She has served in multiple roles, including as deputy commissioner for patent quality and assistant deputy commissioner for patent operations.

She holds a B.S. in Electrical Engineering from Howard University and earned her JD from The George Washington University School of Law. She also holds a certificate in advanced public administration from Syracuse University's Maxwell School of Public Administration.

Gongola, Shipp added

More quietly, the USPTO executive team is filling up with familiar leaders who are expected to be supportive of a pro-patent agenda. This is consistent with the ideological and philosophical preferences of incoming Secretary Lutnick, a prolific inventor who has made millions of dollars with his inventions but also has felt the sting of patent eligibility chaos.

We have learned that Janet Gongola has become acting chief communications officer at the USPTO. Whether she will eventually become the CCO remains to be seen, but Gongola has repeatedly through her career with the agency been placed in important communications and engagement-related roles.



Lutnick is named on more than 400 patents.

Gongola, who served as vice chief judge for strategy at the Patent Trial and Appeal Board from 2016 to 2025, will now manage a team responsible for development and implementation of the USPTO's strategic communications in coordination with the U.S. Department of Commerce and the White House. In addition, she will support and advise the acting under secretary of commerce for intellectual property and acting director of the USPTO (Stewart).

Before joining the PTAB, Gongola served as a senior adviser for law and policy in the Office of the Director from 2014 to 2016; associate commissioner for patent examination policy from 2012 to 2014; and patent reform coordinator for implementation of the America Invents Act (AIA) from 2011 to 2012. Gongola started her USPTO career in 2006 as an associate solicitor in the Office of the Solicitor.

Although some in the inventor and patent owner communities may try to dismiss Gongola or view her negatively given her service on the PTAB and with the AIA, that would be a mistake. Yes, Gongola has served in a variety of roles at the USPTO, and it is true that inventors and patent owners often have a dim view of the PTAB and of the AIA, but Gongola is an effective communicator who is well positioned to promote what is widely believed will be a pro-patent agenda pursued by the Department of Commerce during President Trump's second term.

Another new face at the USPTO is Christopher Shipp, returning to the USPTO after serving in various senior executive capacities during the first Trump Administration under then-Director Andrei Iancu.

Shipp is now chief of staff for the USPTO, which means he is the director's principal adviser. He will advise the director on budget, policies, priorities and global communications of President Trump's intellectual property agenda. He will also serve on the USPTO's Executive Committee and will manage the day-to-day policy coordination process with the White House, the Department of Commerce and other federal agencies.

A 2024 Republican National Committee platform member and platform committee whip, Shipp has also held multiple positions with the Montana Republican Party. He was executive director and communications director over three election cycles. 🗳️

Commissioner for Patents Vaishali Udupa resigned, electing to take advantage of the new federal deferred resignation program.





Entrepreneurship 101

WORDS OF WISDOM—AND CAUTION—FROM *INVENTORS DIGEST* PUBLISHER AND ENVENTYS CEO LOUIS FOREMAN **BY GENE QUINN**

RECENTLY ON “IPWatchdog Unleashed,” I had the opportunity to speak with my good friend Louis Foreman, publisher of *Inventors Digest*.

Foreman is founder and chief executive officer of Enventys, a full-service product launch company that handles all aspects of product development, crowdfunding and ecommerce marketing. He is a prolific inventor himself; an

assistant professor of entrepreneurship at Wake Forest University; and was the creator of the Emmy award-winning PBS TV show “Everyday Edisons.”

As our conversation unfolded, it became clear that the focus would be on entrepreneurship—particularly the trials and tribulations of entrepreneurs looking to dive into the startup world with an innovative product.

“There is money to be made by being creative, by coming up with something that does something better,” Foreman said. “We talk about building the better mousetrap, right? ... Many of my students don’t really even know what a mousetrap is. But the point is that you can always improve the way something functions, the way something works, the way something’s manufactured, the way a consumer accesses that technology, that product.”

IP’s key protection role

Of course, the road to building and monetizing a better mousetrap requires not only ingenuity and the identification of opportunity; it requires funding. Crowdfunding can be

“If you are going to disclose your product, if you’re going to run a crowdfunding campaign, you’re going to want to have some IP protection.” —LOUIS FOREMAN



a double-edged sword because of entities that watch for successful crowdfunding campaigns and then affirmatively try and beat that person or startup to market.

“Yeah, absolutely. It is truly a risk,” Foreman explained when discussing how easy it can be for a factory in another country to see a product gaining interest on a crowdfunding platform. Such a company “could be making that product in a couple days, couple weeks—whereas the entrepreneur is waiting 30 or 60 days to run their crowdfunding campaign, then they’ve got to collect the money from the campaign and then go find a factory to do it, so they’ve got a huge advantage.

“But this is where intellectual property plays a role. So if you are going to disclose your product, if you’re going to run a crowdfunding campaign, you’re going to want to have some IP protection. It could be a trademark on your brand, it could be a patent on the function of the product, it could be a design patent on the ornamental appearance of what the product looks like, which would help from a pure knockoff where someone just completely copies what the product is and what it looks like.

“But having some level of protection is important.”

Do a best-case, worst-case

Our conversation quickly pivoted to a generalized discussion about entrepreneurship, not just inventor entrepreneurs.

“Well, obviously the number one reason a business fails is, they run out of money,” he said. “They don’t take into consideration what you just mentioned, Gene, where things cost more, or it may take twice as long to get to profitability.

“I strongly encourage the students when they’re putting together their projections ... not just to do a most likely scenario, but do a best-case scenario, do a worst-case scenario.

“What if everything costs more? What if it takes longer to generate meaningful sales? What

LOUIS FOREMAN’S THREE P’S

Before we ended, I asked Foreman if there was a particular kernel of wisdom that he likes to pass on to would-be entrepreneurs.

“There’s three P’s that I like to share with all entrepreneurs and all inventors,” he said.

1. “The first P is passion. If you’re not passionate about what you’re doing, find something else ...

2. “The second P is patience. Inventors and entrepreneurs don’t have a whole lot of it, but you need to because it’s going to take longer than you expect. You’re not going to become a billionaire overnight. It’s going to take longer than what you expect to just be ready for the long haul.

3. “And the third P is persistence, because life is going to throw all sorts of obstacles in front of you. There’s going to be all these roadblocks or detours, and you’re going to question whether or not you should even go forward. ...

“But if you really believe in what you’re doing, you’ll eventually succeed.”

if there’s a lot more competition? So, you don’t get the market penetration that you were really hoping for.

“How much capital do you need under the worst-case scenario? And if you’ve got enough for that, then you’re going to be in much better shape than if you’re going based off of the rosiest projections that you put together.”

Our conversation went on to discuss juggling a single product versus developing a product line; the need to disrupt yourself or become stale and get passed by; the importance of intellectual property rights for investors; and how difficult it is to create a new market for a groundbreaking innovation versus incrementally making products better within an already existing marketplace and with consumers who already know what the product does and why it is valuable. ☺

Go to inventorsdigest.com’s homepage for a link to the entire interview.



Ban is Called Unprecedented

CIVIL RIGHTS GROUP SAYS SUSPENSION OF JUDGE, NOW 97, OVER MENTAL CONCERNS HAS NO MERIT

BY EILEEN MCDERMOTT

JUDGE PAULINE NEWMAN’S counsel, the New Civil Liberties Alliance (NCLA), recently filed a reply brief in Newman’s appeal to the U.S. Court of Appeals for the D.C. Circuit of the July 2024 dismissal of her case against the U.S. Court of Appeals for the Federal Circuit, arguing in part that the Judicial Council’s “complete involuntary suspension” of Newman “from judicial duties has never been attempted irrespective of the seriousness of misconduct by a federal judge.”

Separately, the special committee of the federal circuit that called for suspending Newman from her duties published an order expressing concerns about the judge’s three independent medical evaluations, which Newman has argued prove she is in exceptional mental and physical health.

(Editor’s note: The federal circuit suspended the then-96-year-old Judge Newman on September 20, 2023, after a panel of judges said she failed to cooperate with an investigation into her mental fitness following complaints that suggest she may have “significant mental problems.” She has denied those claims.)

Last July, the U.S. District Court for the District of Columbia dismissed the remaining counts in Newman’s challenge to federal circuit Chief Judge Kimberly Ann Moore’s inquiry into Newman’s fitness to continue serving as a federal appellate judge, and Newman appealed in early December.

Most recently, the federal circuit filed a response brief in the appeal that argued the appeal should fail because Newman’s claims do not meet the “exceptional circumstances” warranted for transfer of the case to another circuit and her constitutional challenges are precluded.

But the NCLA brief filed February 10 noted that the federal circuit remains “unable to point

to a single instance of a case where a misconduct investigation of a circuit judge was conducted within that judge’s own circuit.”

It further argued that: 1) The appellate court has a duty to either find that the Judicial Conduct and Disability Act does not permit the removal of a judge from office and therefore that Newman’s effective removal is unconstitutional, or that it does permit such removals, which would thereby make the act itself unconstitutional; 2) Article III courts can consider “as-applied” challenges to the Disability Act; and 3) The federal circuit’s response brief failed to show Newman was afforded due process.

The brief pointed to two “parade of horrors” cases, in which judges were found to be taking bribes and committing sexual misconduct—examples provided by the federal circuit to bolster its argument that Newman’s interpretation of the Disability Act would undermine judicial councils’ ability to bar judges from their duties in cases of such egregious conduct.

“Yet, in the very cases Defendants-Appellees cite, in which judges engaged in such egregious conduct, those judges were not suspended from hearing all cases unless and until impeached and removed from office,” said the NCLA brief. It added: “The Act’s language simply does not authorize renewable suspensions with or without additional hearings. The Act (to the extent constitutional) requires that suspensions be limited in time.”

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





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IoT Corner

Qualcomm and Wiliot are among the organizations helping to form the **Ambient IoT Alliance**, a multi-standard ecosystem of ambient IoT manufacturers, suppliers, integrators, operators, users and customers.

Ambient IoT is an ecosystem for devices that draw energy from ambient radio waves, light, motion, heat, or any other widely available, pervasive source. Bluetooth, 5G Advanced and 802.11bp could help support this class of devices, which offers high scalability and, potentially, lower costs than non-ambient versions.

Wunderkinds

A fire detection system invented by a Newport Beach, California, teenager (July 2024 *Inventors Digest*) will soon be tested in a real-world situation, according to KTLA in Los Angeles.



Seventeen-year-old **Ryan Honary's** system, in development for five years and now a company called Sensory AI, will be tried near the 133 and 405 freeways in Irvine. The system uses three sensors to detect flame, smoke and heat and has been upgraded with infrared cameras. The first test will use a single device with smoke sensors, infrared cameras and cellular capability to contact firefighters.



What IS That?

The **Pepe Pet Dryer** is promoted as a “relaxing sauna for your furry friend.” Cnet.com is not sold: “Want to find a new way to make your small dog or cat hate you forever? Lock them in a cube prison for 25 minutes (!) and subject them to gusts of hot air. This combination torture device/dryer would have set you back \$660, or you could just throw a towel over your wet dog like a normal human.”

Get Busy!

In some parts of the United States, it may feel like spring is an eternity away. Cut down your winter by attending **Nerdio.com** in Palm Springs, California, “for a deep dive into Microsoft cloud technology” and connecting with some of the brightest minds in IT, April 7-9 at the La Quinta Resort & Club.

WHAT DO YOU KNOW?

1 True or false: Elon Musk has kept his 2014 promise that all of Tesla's patents would be open source.

2 Which celebrity mom invented and patented Dipe and Wipe, which consists of a disposable diaper with an outer proof pocket, sealed but openable that contains clean-up wipes?

- A) Jamie Lee Curtis B) Patricia Heaton
- C) Melania Trump D) Lee Remini

3 Which company tops The 2025 Patent 300 List® for the most patents at the end of 2024—Samsung, or LG?

4 True or false: Taylor Swift trademarked the names of her three cats.

5 According to *Attorney at Law* magazine, which sports organization has the most trademarks?

- A) Major League Baseball
- B) National Football League
- C) National Basketball Association
- D) U.S. Olympic Committee



ANSWERS: 1. False, according to finance website GB Times. “However, the company’s willingness to share its IP under a Creative Commons license has made a significant impact on the sustainable energy sector.” 2.A. She never produced the invention. 3. Samsung 9,304, LG second at 5,156. 4. True for Meredith, Olivia and Benjamin Swift—purportedly in connection with protecting items on which they appear. 5. D.

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