

Inventors

APRIL 2025 Volume 41 Issue 04

DIGEST

EYES ON THE PRIZE

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WANTS A BETTER
PATENT SYSTEM

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-- Joe G., Westport, CT

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Focus on the Fun and Fascinating

Inventor School Is Part of ID Math



“Only in math can a person buy 64 watermelons, and nobody wonders why.”

Producing *Inventors Digest* every month is a little like math—adding and subtracting recurring features and departments with the goal of a sum total that continually enhances reader interest and involvement.

During my tenure here, we have added the back-page potpourri called Inventiveness—which includes a picture or drawing of a what-in-the-world kind of invention, a short write-up on an up-and-coming young inventor, and a fun quiz; Everybody’s Talking, providing inventors and non-inventors a voice while discussing the latest invention-centric topics in pop culture and elsewhere; and now Inventor School.

Our newest department is for beginning and early-stage inventors seeking basic information about the invention process and services available to them.

Once you have an invention idea, you need to know how to manufacture said invention, protect it, market it, sell it, and much more. Of course, given that our primary mission is educating the independent inventor, you can find such information from our subject-matter experts throughout every issue. But Inventor School provides primary education on various aspects of inventing all in one place, from how-tos to terminology to free services.

April cover feature subject Gary Lauder—a rare breed as an inventor wanting to help other inventors—reminds us that inventing has never been more challenging, particularly in the realm of patents. IPWatchdog founder Gene Quinn, a patent attorney, said as much at the recent IPWatchdog LIVE conference captured in these pages.

Inventor School helps get you started down that long and winding road, providing elementary information to guide and protect those who want to build on our country’s reputation for innovation that enriches and changes others’ lives for the better.

So for those starting out in inventing, consider this algebraic reference.

We don’t want you to become an ex. We want you to know all the whys. And we want to present information in a way that will never cause ZZZZZZZZZS.

—Reid
(reid.creager@inventorsdigest.com)

Inventors

DIGEST

EDITOR-IN-CHIEF
REID CREAGER

ART DIRECTOR
CARRIE BOYD

CONTRIBUTORS
ELIZABETH BREEDLOVE
LOUIS CARBONNEAU
DON DEBELAK
JACK LANDER
EILEEN MCDERMOTT
GENE QUINN
WILLIAM SEIDEL
EDIE TOLCHIN
LARRY UDELL

GRAPHIC DESIGNER
JORGE ZEGARRA

INVENTORS DIGEST LLC

PUBLISHER
LOUIS FOREMAN

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

Good News? Big Tech Unhappy

John Squires, nominee for USPTO director, made enemies with accused infringers



INDEPENDENT INVENTORS hoping that John Squires (far right)—President Trump's nominee to be the next USPTO director—will not kowtow to Big Tech may be encouraged that the selection received strong criticism from a lawyer who defends large tech companies.

Squires helped create the funding division of asset-management company Fortress Investment Group. One of its roles was pursuing infringement cases against tech behemoths Apple and Intel.

"Fortress is like the antichrist of the patent world," attorney Joe Matal told Bloomberg Law News. "They fund just the worst litigation against critical technology sectors, and they won't tell anyone who's behind any of it."

Matal's frustrated proclamation has deep roots. Bloomberg Law News added that a Fortress-backed, patent-holding company won two historically large infringement verdicts in lawsuits against Intel filed during the first Trump administration.

For more on Squires, see Eye On Washington, Page 42 and IP Market, Page 45.

CONTACT US

Letters:

Inventors Digest
520 Elliot Street
Charlotte, NC 28202

Online:

Via inventorsdigest.com, comment below the Leave a Reply notation at the bottom of stories. Or, send emails or other inquiries to info@inventorsdigest.com.

DISNEY 'MOANA' WIN: NO ACCESS, NO CASE

It was a provision in copyright law that doesn't come up too often—much to the disappointment of the plaintiff.

In a dispute over whether a person or company infringed on someone else's screenplay, the issue can be legally moot if it is determined the defendant never had access to those works. That was the case recently when a jury cleared Disney in a lawsuit involving the 2016 animated musical adventure movie "Moana."

Plaintiff Buck Woodall filed suit in 2020, alleging that "Moana" was based on his work "Bucky the Wave Warrior." But after

a two-week trial in federal court in Los Angeles, the eight-member jury found unanimously on March 10 that Disney did not have access to the 2011 screenplay or earlier treatments—so the panel did not have to address whether the two works are similar.

Woodall alleged a series of similarities between the works, arguing that both projects involve teenagers who defy their parental orders to set off on a dangerous voyage and save a Polynesian island. He cited other similarities that included

navigation by stars, a demigod with tattoos and survival of a storm at sea.

He claimed that in 2004, he pitched the project to his sister-in-law's step-sister—who was an assistant at a live-action production company on the Disney lot. The relative later asked Walt Disney Animation Studios if it would take a submission and learned that it did not, according to court filings.

Disney said there was no evidence any of its filmmakers had access to Woodall's work. It also cited many differences between the two works. Turns out, it didn't have to.

Woodall filed a separate suit in January, alleging that "Moana 2" also infringed on his screenplay. That case is pending.



INVENTING 101

Making Contacts in Your Target Market

BY DON DEBELAK

ONE OF the most important aspects of being a successful inventor is to know your market, and have contacts that can help you. I've laid out the steps here.

Find your trade magazines. These are a special category and not generally available to the public. Bicycle Retailer & Industry News is an example that targets component suppliers, bicycle manufacturers, bicycle retailers, distributors, sales agents and anyone else in the supply chain for bicycles. You can find trade magazines for your industry with an internet search.

Trade magazines also publish a directory about once a year of everyone involved in each category, i.e., brake component manufacturers, headlight manufacturers and sales organizations. For inventors of bicycle inventions, this is a target list of companies to contact.

Inventors can also get a list of contacts at those companies from articles on industry news, and from news on who has been hired or promoted. Especially helpful is a section on

new products or other offerings from companies where inventors can request information.

Find your trade shows. Trade magazines often sponsor industry trade shows, or at a minimum will list which trade shows are coming up. Inventors have a lot to gain by being an attendee (without a booth) prior to launching their invention.

Trade shows are not meant for the public, but typically you can attend if you state you are an inventor with a new product you expect to launch in the next year.

These shows are full of potential contacts, whether you plan on introducing your idea or licensing it. Your primary goal is to learn the industry and to make contacts.

Booths are typically not busy for the first hour of the show, and the last 90 minutes or so—especially on the last day. People at booths will often be happy to talk with you when they are not busy.

Also, shows almost always have a welcoming reception the first evening of the show, where you mingle with contacts.

Nurture your contacts. Once you have a promising contact, you must keep in touch every three or four months. You can do this with updates on your progress. Even if you have nothing to report, you should still send an email. You can use the industry news to pick out an email topic. 📧

Don Debelak is the founder of One Stop Invention Shop, offering marketing and patenting assistance to inventors. He is also the author of several marketing books. Debelak can be reached at (612) 414-4118 or dondebelak@gmail.com. Don's Facebook page: facebook.com/don.debelak.5.



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VITAL VOCABULARY

ex parte

The term is generally associated with something secretive and illegal in court proceedings, unless expressly allowed by law. Originating from Latin and meaning "from one party," it refers to situations in which one side of a case communicates with the judge or court without the other side being present—possibly leading to decisions being rendered without both sides being able to present their argument. LegalBrief AI says: "In legal ethics, *ex parte* refers to improper contact."

The Patent Search: Why, How, Costs

A **PATENT SEARCH** is a complete examination of existing patents and applications to identify prior art related to a specific invention. Although the terms “patent search” and “prior art search” are sometimes used interchangeably, they are not the same thing.

A prior art search is more like a patentability search, not a patent search. The latter focuses mostly on existing patents and patent applications, while a prior art search is more comprehensive and involves a broader range of information such as scientific journals, technical literature and other respected documentation.

Conducting a patent search is all but essential for inventors. If they find existing patents and/or prior art related to their invention, it helps them decide whether their creation is novel and viable enough to proceed with their own patent application. Inventors who think they have a completely unique, original idea but learn otherwise can offset that disappointment with the knowledge they have saved a tremendous amount of time and money in potential patent-related expenses.

Inventors can conduct their own patent search, though many experts recommend they also hire a patent attorney to do the same. Sources and databases you can use for free patent searches include the USPTO’s online database and Justia, or commercial patent search platforms.

You must use relevant, precise keywords and search criteria to ensure maximum results. Another important but often overlooked step is a patentability opinion—a report that tells you whether your invention could be awarded a patent based on the search results, as well as clarifying which parts of the invention could qualify.

If you enlist the help of a professional, it won’t be cheap.

Lawyer.com reported in December—a month before the USPTO raised many patent fees by 7.5 percent across the board: “A patent search with opinion costs \$160 to \$700 for the USPTO fees alone. Patent attorneys charge \$1,500 to \$3,000+ to conduct the search, depending on how complex your idea or invention is.”



FREE ONLINE HELP



Module 3 of the USPTO’s eight-part **Trademark Basics Boot Camp**, April 15 from 2 to 3:30 p.m. ET, involves important principles related to federal trademark clearance searching and effective use of the patent office’s trademark database.

Topics will include trademark basics; the likelihood of confusion; federal trademark searching; and finding help.

Register by April 14. For details, visit www.uspto.gov/about-us/events/trademark-basics-boot-camp.

Legal protection and early-stage funding is the second virtual event on product development in the **Successful Inventing** series for 2025, presented by the USPTO and the Licensing Executives Society-Silicon Valley Chapter. The session, April 12 from 1:30 to 3 p.m. ET, focuses on legal protection and early-stage funding that includes these topics: The advantage of a provisional patent application; Should I hire a patent attorney or do it myself? and Costs and timing of granting a utility patent.

For details, visit www.uspto.gov/about-us/events/successful-inventing.

GOOD TO KNOW

The USPTO is moving to more secure multifactor authentication methods to access systems that require logging into a USPTO.gov account. These mechanisms give patent office customers a more secure way to verify their identity when accessing USPTO system accounts and provide increased protection against phishing attacks that can trick people into providing sensitive information, downloading malware, or being exposed to other forms of cybercrime.

Authentication methods that rely on Short Messaging Service (SMS) text messages and telephony (voice calls) as second factors will be phased out by May 1. More information: Call the USPTO Contact Center at 800-786-9199.



Iconic Inventions Without Patents

IT'S NOT JUST BENJAMIN FRANKLIN'S INVENTIONS THAT WEREN'T PATENTED BY THEIR CREATOR, OR HAD THEIR IP ABANDONED

BY REID CREAGER

BENJAMIN FRANKLIN might not have been a fan of this newfangled interweb thing.

For all the discovery and convenience the World Wide Web has delivered since its public implementation in 1993—four years after its discovery by British computer scientist Tim Berners-Lee—it is overrun with factual inaccuracies that are commonly passed along from one link to the next. And sometimes within the same link.

Though Franklin never sought a single patent or copyright for his many inventions (as definitively confirmed by The Franklin Institute), a PostureInfoHub.com post about him says he had 20 patents. In the same post, it says he held at least four. Still later: Franklin “was not known to hold any patents in his lifetime.”

HistoryOasis.com has a page with what it calls “A Complete List of Benjamin Franklin’s Inventions,” providing a list of 10. Other sources list at least 12.

We can believe The Franklin Institute. As for why Franklin did not seek any patents or copyrights, we cite the very words he wrote in his autobiography: “As we enjoy great advantages from the inventions of others, we should be glad of an opportunity to serve others by any invention of ours; and this we should do freely and generously.”

Many claim his most important invention was the Franklin Stove—actually a metal-lined fireplace that produced more heat for less fuel compared to others. A hollow baffle at the rear allowed the heat from the fire to mix with the air more quickly, and an inverted siphon helped

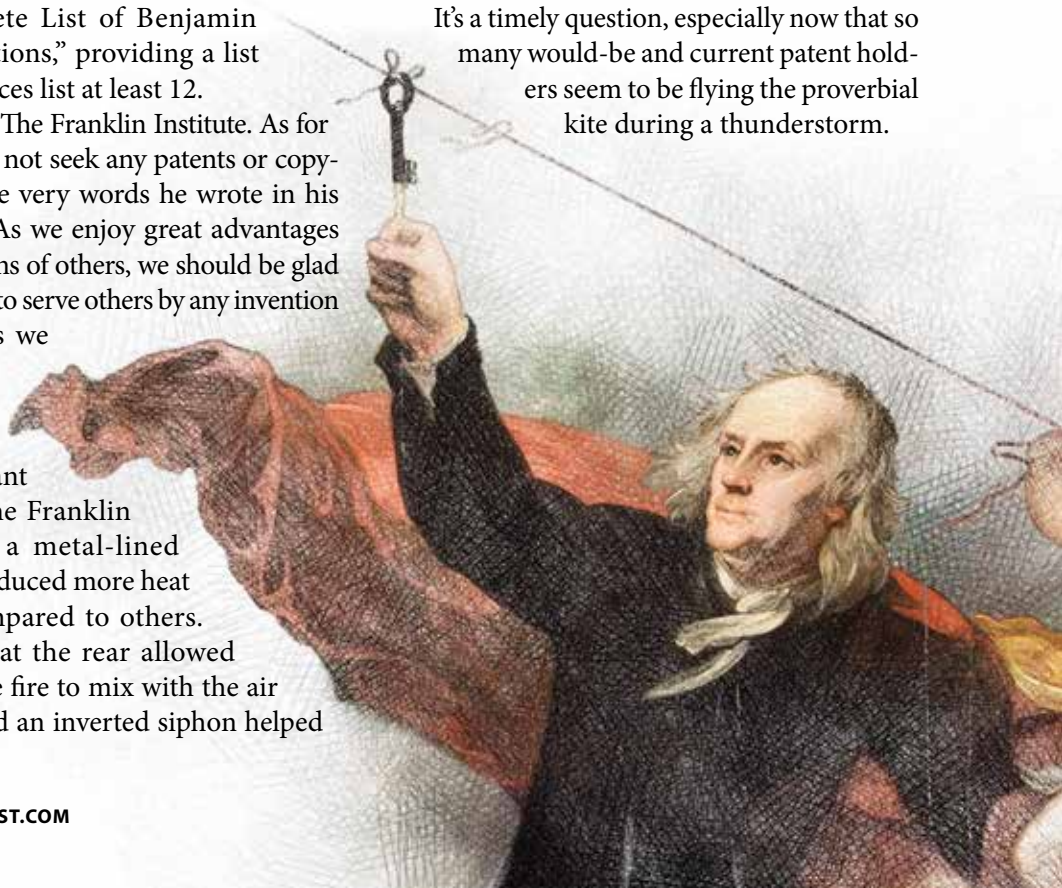
to extract more heat. It was not a commercial success but sparked improvements by others.

Other inventions included the lightning rod, central to his famous kite experiment with a goal of protecting people inside buildings from lightning strikes; bifocals, made by slicing in half the lenses from his reading glasses and distance glasses and combining them into one; and the odometer, which he conceived as the postmaster of Philadelphia to establish efficient mail delivery routes.

Franklin’s many important inventions sans patent got us wondering: What about other game-changing inventions that have no patent or were not patented by their original creator? Or major inventions once having patents, only to be abandoned?

It’s a timely question, especially now that so many would-be and current patent holders seem to be flying the proverbial kite during a thunderstorm.

Had he been around to see it, Benjamin Franklin might have told one self-contradicting internet source to go fly a kite.



World Wide Web

See how we linked this all together? Pun intended.

One of the most important inventions in modern history, the internet has no patent. Berners-Lee has always felt the internet should be uncluttered by any patents, fees and controls so that it could operate with maximum efficiency and potential as millions of innovators could design and contribute to it.

When accepting the 2004 Millennium Technology Prize, he said: "If I had tried to demand fees ... there would be no World Wide Web. There would be lots of small webs."

Berners-Lee is so committed to this principle that he has gone to court to keep the internet free for all. But in the wake of numerous large-scale hacking episodes, fake news and mass surveillance, he told Vanity Fair in 2018 the Web had "failed instead of served humanity, as it was supposed to have done."

The increasing centralization of the Web, he told Vanity Fair, "ended up producing—with no deliberate action of the people who designed the platform—a large-scale emergent phenomenon which is anti-human."

Berners-Lee's regrets echoed those of the inventor of another revolutionary communications medium. Philo Farnsworth, who invented electronic television, ultimately criticized TV for not achieving his goals of building culture and educating viewers—although the televised moon landing in 1969, less than two years before his death, may have made him reconsider.

Of course, not everything associated with the internet is patent free. Although the original TCP/IP protocol was not patented, digital packet switching technology, web browsers and secure encryption technologies have been patented.

The subject is timely, especially now that so many would-be and current patent holders seem to be flying the proverbial kite during a thunderstorm.



Computer mouse

In its original form, Berners-Lee's internet was operated exclusively through a personal computer by using a mouse. The iconic point-and-click tool has no patent but once did.

In 1967, Douglas Engelbart—an electrical engineer and inventor who was the subject of a story by this author in the June 2016 *Inventors Digest*—applied for a patent for an "X-Y position indicator for a display system" that he developed with Bill English, his lead engineer, sometime before 1965. Engelbart received U.S. Patent No. 3,541,541 in 1970. His invention eventually became the mouse.

Per the 2016 story:

"He conceived the idea in 1961 while at a conference session on computer graphics: a device that used one wheel turning vertically and the other horizontally to help position a cursor on a computer screen. The first prototype, built in 1964, was wooden and square before being refined.

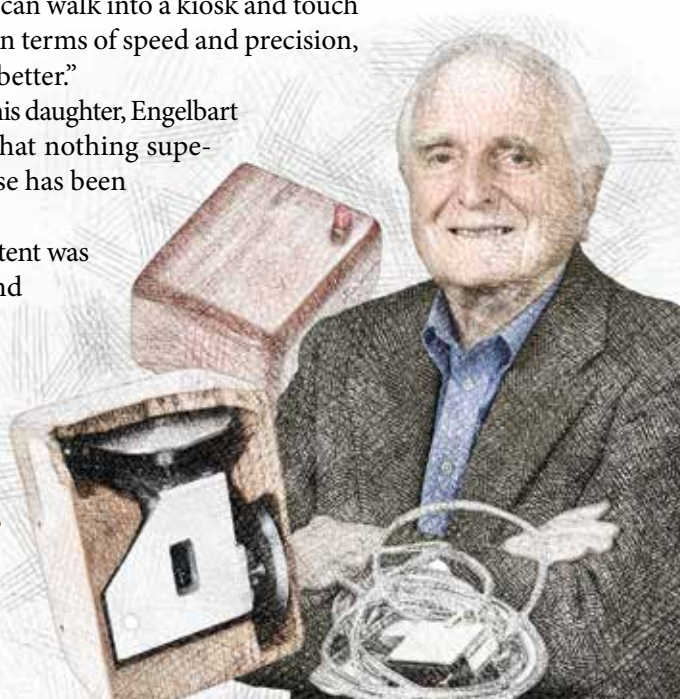
"With a goal of speed and accuracy, Engelbart and his team tested several pointing devices in 1965 that included a knee apparatus and the mouse, both created in-house; a foot pedal device; a head-mounted device; a joystick; and a light pen.

"The mouse was by far the faster, and more precise," said his daughter, Christina. "Fifty years later [now 60], there's no better pointing device. Yes, you can walk into a kiosk and touch the screen, but in terms of speed and precision, there's nothing better."

According to his daughter, Engelbart was surprised that nothing superior to the mouse has been invented.

Engelbart's patent was not renewed and

The decision by Tim Berners-Lee (above) to not patent the World Wide Web did not turn out as he had hoped. Douglas Engelbart (below) let his patent for the computer mouse expire in 1987, for unknown reasons.



lapsed in 1987, for unknown reasons. He died in 2013 at 88.

Strikeable match

Invention website Davison.com says: “Much like with Berners-Lee, chemist John Walker wanted to ensure his idea was free to the masses.”

That may be presumptuous.

This much, we know: Walker—of Stockton-on-Tees, England—invented the strikeable, or friction, match in 1826 or 1827 by accident. He was working on an experimental paste to be used in guns when he discovered that when he scraped the wooden instrument he was using to mix the substances in his paste, it caught fire.

Stocktonteesside.co reports that Walker’s first sale of his “Friction Lights” occurred in 1827: “Already comfortably well off, he refused to patent his invention, despite being encouraged to by Michael Faraday and others, making it freely available for anyone to make. He was advised to patent his matches [but] sadly, his design was not perfect, and because of that he never wanted to patent it.”

Samuel Jones of London copied the idea and launched his own version in 1829, which he patented.

Inventors Catherine Hettinger and John Walker (the latter, below) were not quite a match: She patented the fidget spinner in 1997 but let it expire over a \$400 shortfall; he never patented his strikeable match because he was unhappy with the design.



Walker was not acknowledged as the inventor of the strikeable match until long after his death. Even then, fame was a flickering flame.

News Corp. Australia reports that in 1966, match manufacturers raised 1,400 pounds (\$2,800) to build a bust of the “suddenly great man.” It was built in the 1970s.

So Walker finally had his visible, posthumous due for eternity—until 2016. Reuben Kench, Stockton Borough Council director of culture, leisure and adult learning, revealed the bust was “inaccurately produced. It is the bust of another John Walker,” reportedly an actor.

At least he’s long gone, so we don’t have to color John Walker red.

Fidget spinner

U.S. Patent No. 5,591,062, titled Spinning Toy—the original version of the fidget spinner—seemed like a novel idea when Catherine Hettinger received the good news in 1997. But she let the patent expire eight years later when, according to multiple reports, she couldn’t afford a \$400 renewal fee.

You know the rest: Some 10 years ago, fidget spinners became a worldwide craze and are making millions of dollars for their most successful manufacturers. In 2014, Scott McCoskery invented the Torqbar, a fidget spinner to keep him occupied during boring work meetings.

(Some claim McCoskery is the toy’s inventor, saying the modern version is so different than Hettinger’s that it discredits her from having that status. But it all started with her.)



It's not like Hettinger didn't try to promote her invention. She even made a pitch to Hasbro—which today sells fidget spinners but does not make them.

The toy may be annoying to some, but it's not just a trendy gadget. It has become a proven tool for people with ADHD, autism and anxiety; in fact, Hettinger conceived it to help her cope with an autoimmune disorder.

Hettinger doesn't grant interviews very often. But in 2017, she told *The Guardian* she was happy the invention has become a success.

"Several people have asked me, 'Aren't you really mad?' But for me, I'm just pleased that something I designed is something that people understand and really works for them."

Karaoke machine

Daisuke Inoue, who brought this barroom and family staple to market in Japan in 1971, never patented his invention because he "wanted to teach the world to sing"—usually badly.

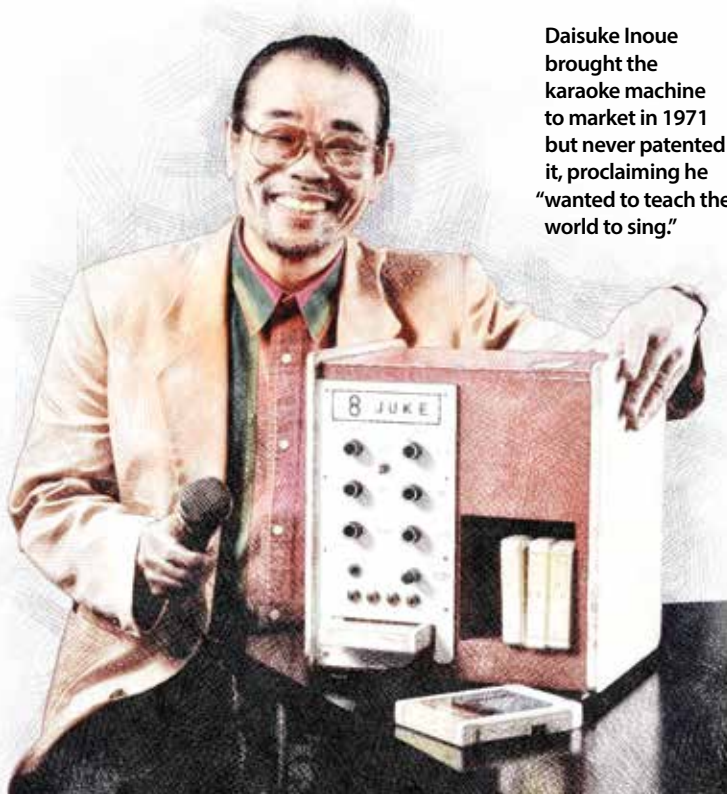
Formerly a keyboard artist who played drums and piano as backing music in a club, Inoue contends that had he taken out a patent, the machine that allows people to sing along with pre-recorded instrumental tracks would have been more limited in use.

Karaoke exploded in America in the late 1980s and early '90s. Tech advances have since resulted in some very pricey karaoke machines. The most expensive one on eBay at this writing is the TJ Media Premium All-in-One Karaoke Machine, at \$4,464.43. Act now!

Karaoke's Japanese translation is "empty orchestra," a term not so accurate if you have the misfortune of sitting next to a "singer" after a full pitcher.

According to howtokaraoke.com, the most requested karaoke song of all time is "Billie Jean" by Michael Jackson. How that was determined is anyone's guess.

The world record for the longest karaoke performance is 456 hours, 2 minutes and 5 seconds. The world record for the longest karaoke-listening headache is undocumented but said to be longer. 🎤



Daisuke Inoue brought the karaoke machine to market in 1971 but never patented it, proclaiming he "wanted to teach the world to sing."

INVENTOR ARCHIVES: APRIL

April 11, 1899: Chemist **Percy Julian**, one of the most influential black research chemists in U.S. history, was born.

Julian is best known for developing an efficient process for synthesizing cortisone, progesterone and testosterone from soybeans and yams. His discoveries that led to the mass production of cortisone made treatments more affordable and accessible for conditions such as rheumatoid arthritis, severe allergies and skin conditions.

Among his 105 patents was a treatment for glaucoma and one for his invention of the fire retardant Aerofoam. He was posthumously inducted into the National Inventors Hall of Fame in 1990.

As documented in a story about Julian on uspto.gov, his family twice survived attacks on their home after moving into the all-white neighborhood of Oak Park, Illinois, in the early 1950s. In one instance, someone tried to set their house on fire; in another, a bomb was thrown at their home.



4 Platforms, 4 Steps

AN INVENTOR'S GUIDE FOR CROSS-PROMOTING USING LINKEDIN, FACEBOOK, INSTAGRAM AND TIKTOK **BY ELIZABETH BREEDLOVE**

LAUNCHING an invention and ensuring it reaches the right audience requires a strategic social media marketing approach.

Today's most effective campaigns leverage multiple platforms—such as LinkedIn, Facebook, Instagram and TikTok—to maximize visibility, engagement and conversions. However, it's important to tailor your messaging to each platform's unique user behaviors and content preferences while maintaining a cohesive brand presence.

This guide will walk you through the best strategies for cross-promoting your invention across these four platforms, helping you build brand awareness, foster engagement and drive sales.

Individual strengths

It's important to understand how each platform functions within a comprehensive marketing campaign.

LinkedIn is ideal for professional networking, B2B connections and establishing thought leadership.

Facebook serves as a hub for community engagement, paid advertising and long-form storytelling.

Instagram, a visual-first platform, is perfect for high-quality images and videos that build brand personality.

TikTok thrives on creativity, trends and viral content, making it a great choice for engaging a broader audience in a fun and informal way.

Each platform serves a different purpose in your marketing funnel.

LinkedIn and Facebook are great for detailed storytelling and community building, while

Instagram and TikTok excel at visually highlighting your invention and engaging audiences through dynamic content.

The 4 steps

Here is some guidance for using these sites in various combinations to market your invention.

1 Create a unified brand message. Though your messaging should be tailored to each platform, your overall brand identity must remain consistent. A strong visual identity—including a consistent logo, color scheme and tone—helps reinforce your brand's presence across all platforms.

Your core value proposition should remain the same, but it may need to be adjusted in language and presentation to fit each platform's audience.

2 Customize content for each platform. Each social media platform requires a different approach to content creation. Understanding these differences will help you engage the right audience more effectively.

On LinkedIn, focus on professional storytelling and thought leadership. Sharing the story behind your invention—how it solves a problem, the development process, and the market need—can position you as an expert in your field. Publishing industry insights, case studies, or even engaging in discussions within LinkedIn groups help establish credibility and attract potential investors or business partners.

Creating a dedicated Facebook page for your invention or company allows you to share long-form content, customer testimonials and product updates.

Facebook Live sessions are a great way to demo your product and answer customer questions in



real-time. Engaging with niche Facebook Groups related to your invention's industry will also help you tap into an audience that is already interested in similar products. Additionally, Facebook's advertising tools allow for highly targeted promotions that can increase visibility.

On Instagram, high-quality product images, carousel posts showing different use cases and different types of behind-the-scenes content offer followers an engaging view of your invention.

Instagram Reels are particularly effective for short, engaging videos that demonstrate how your product works. Stories can be used for Q&A sessions, polls and updates, while collaborations with influencers can expose your invention to a broader audience.

Because TikTok is the best platform for your most creative or trendy content, short, engaging videos demonstrating your invention in action can attract attention and encourage shares. Using trending sounds and challenges increases the likelihood of your content gaining traction.

Responding to comments with video replies and engaging with other creators can further expand your reach. Encouraging user-generated content, where customers show off your invention, can also build trust and authenticity.

3 Utilize cross-promotion strategies. Repurposing content is a powerful way to maintain consistency while adapting to different audiences. Instead of reposting the exact same content across all platforms, tailor it to suit the expectations and behavior of users on each channel.

With the help of visual aids, content from a LinkedIn article can be transformed into an Instagram carousel or a short TikTok explainer video. Snippets from a Facebook Live session can be edited into engaging clips for TikTok or Instagram Reels.

Leveraging platform-specific features further enhances audience engagement with your content.

For example, LinkedIn Polls can be used to gather industry insights, which can then be

LinkedIn and Facebook are great for detailed storytelling and community building, while Instagram and TikTok excel at visually highlighting your invention and engaging audiences through dynamic content.



repurposed into Instagram Stories or Facebook posts. Teaser clips of a new product launch can be posted on TikTok, directing viewers to a longer video on Facebook or LinkedIn.

Instagram posts can be shared directly to Facebook, extending their reach without additional effort.

Driving traffic between platforms is another effective way to ensure followers engage with your content in different formats.

Including links in your bios and posts can guide followers to other platforms where they



Using analytics tools such as Facebook Insights, Instagram Insights, LinkedIn Analytics and TikTok's Creator Dashboard can help identify trends and refine your content strategy over time.

can find exclusive content. TikTok followers can be encouraged to join your Facebook Group for deeper discussions, while LinkedIn articles can direct professionals to Instagram for behind-the-scenes development updates.

Running multi-platform contests and giveaways encourages users to interact with your content across different channels.

For example, a contest could require participants to comment on an Instagram post, share a Facebook update and tag a friend on TikTok. Or, you could offer exclusive content or discount codes to users who follow on all platforms to incentivize cross-platform engagement. Be sure to verify and stick to each platform's rules as you write your giveaway's terms and conditions.

Paid advertising can further amplify your reach.

Facebook and Instagram's integrated ad system allows seamless campaign management, targeting specific demographics with precision.

LinkedIn Ads are ideal for reaching professionals and investors, while TikTok Ads can help capture the attention of younger audiences with engaging video promotions.

4 Measure, analyze and optimize. Regularly tracking key performance metrics ensures that your cross-promotion strategy is effective and allows for continuous optimization.

Engagement rates—such as likes, comments, shares and saves—indicate how well your content resonates with your audience.

Click-through rates (CTR) reveal how successfully your posts drive traffic between platforms.

Monitoring follower growth can help determine which platforms contribute most to audience expansion.

Conversion rates provide insights into how social media interactions translate into sales or sign-ups.

Analyzing your ad performance is important to understand return on investment (ROI) across different platforms.

Using analytics tools such as Facebook Insights, Instagram Insights, LinkedIn Analytics and TikTok's Creator Dashboard can help identify trends and refine your content strategy over time. A/B test different content formats, headlines and posting times to further optimize engagement and conversions—and ensure your ads perform well.

Your balancing act

Successfully promoting your invention across LinkedIn, Facebook, Instagram and TikTok requires a strategic approach that balances consistency with platform-specific customization.

By understanding each platform's unique strengths, creating tailored content and leveraging cross-promotion techniques, you can increase visibility, engagement and sales. 📌

Elizabeth Breedlove is a freelance marketing consultant and copywriter. She has helped start-ups and small businesses launch new products and inventions via social media, blogging, email marketing and more.



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Yes, That's Really Ice Cream

FORMER PASTRY CHEF'S FUN, ARTISTIC CREATIONS
PROVE A WELCOME CAREER CHANGE **BY EDITH G. TOLCHIN**

The upside-down bucket on the chicken's head in her Life Raft Treats packaging is just one of the creative touches by Cynthia Wong, who "got tired of working more than 70 hours a week for someone else."

ACCORDING TO Cynthia Wong, inventor of Life Raft Treats®, her innovation "celebrates the ice cream truck goodies of yesteryear by reinventing them with humor and artisan techniques."

Wong, of Charleston—a six-time James Beard Foundation Award semifinalist for Outstanding Pastry Chef—created a business with novelty ice cream treats shaped like ramen bowls, fried chicken, hot dogs and oysters.

The vegan varieties are delicious. And who doesn't love ice cream?

Edith G. Tolchin (EGT): Why Life Raft Treats, and how did you get there?

Cynthia Wong (CW): I grew up on the Gulf Coast in Alabama. I wanted to be a pastry chef for as long as I could remember. Then, I did it.

I like to joke that I'm the only person I know who had the bad luck of becoming what they wanted to be when they were little! I loved a lot of things about my career choice, but ultimately the cons outweighed the pros in the restaurant industry—especially for a lady with kids.

I got tired of working more than 70 hours a week for someone else. So, I built myself a little Life Raft (the ice cream business), got on it and paddled away!

EGT: What about being a six-time James Beard Foundation Award semifinalist for Outstanding Pastry Chef? And have you ever had your own restaurant or bakery?

CW: It was definitely not expected but greatly appreciated. I was fortunate to not have it eat my psyche.

I never got caught up in winning; I was just happy to have this stamp of approval that I could use to negotiate a higher salary, get a better job—and when I opened Life Raft Treats, it helped me be taken seriously. The nominations gave consumers a reference of quality, I suppose.

I have not owned my own restaurant or bakery, and I do not think I ever could have. My friends who own restaurants and bakeries are a different breed altogether. I do not have that capacity!

Life Raft Treats sells direct to consumer and wholesale, but we do not have a shop front. I do not have any retail experience, so as a small company, for now we are sticking to what we know.



“I feel frequently that the business has had nine lives. Not sure which life we are on right now!” —CYNTHIA WONG

EGT: When did you create the Life Raft Treats business? Was that a difficult process?

CW: In 2018, I knew I was burned out of restaurants completely and irrevocably. I had always loved ice cream and was very inspired by the La Martinière ice cream business in France.

My husband said, “What’s stopping you from pursuing this ice cream thing?” And the answer was, “Well, nothing, really!”

I was not going back to restaurants, and pastry chef jobs were dying off and not coming back. So, I went for it. It wasn’t that difficult getting started, probably because the Charleston community was so enthusiastic and supportive. I was very lucky,

EGT: What food safety laws are in place for this type of food product? Do you require any special inspections or licenses, and do you have any physical stores? Where is your factory?

CW: We are regulated by the South Carolina Department of Agriculture and the Food & Drug Administration. We do have special FDA inspections, and we are licensed for our ice cream truck/retail sales as well as for wholesaling.

We do not have any physical stores. Our factory is in north Charleston.

EGT: Have you had any start-up or ongoing business challenges?

CW: We’ve had all of them! Really, though, we have been very fortunate, and I feel frequently that the business has had nine lives. Not sure which life we are on right now!

EGT: Please share your recent “Shark Tank” experience. Did you make a deal?

CW: “Shark Tank” (Season 16, Episode 2) was an absolute lark, and although we did not get a

deal it was a fun if surreal experience. I was happy and proud and grateful we got to tell our story.

EGT: Who designs your various products?

CW: I do! I just want people to laugh and enjoy themselves for a few minutes when they have our treats.

EGT: What, if any, are the challenges for shipping frozen products?

CW: There are so many! There’s UPS, who will not take responsibility for any mishandling or late shipments that are their fault. We have to eat the cost of reshipping products that they deliver late.

We have to ship overnight, and it’s very expensive. We ship with dry ice, which is also very expensive and requires special handling. The packaging materials have more than doubled in cost in the past few years.

EGT: How many typical varieties are you offering? What is the retail pricing?

CW: We have five main kinds of treats: nine-piece buckets of Not Fried Chicken®, \$45; 36-piece platters of ice cream nuggets, \$50; six-packs of dairy free peach bombes, \$36; 17-piece ice cream seafood platters, \$75; and platters of five ice cream hot dogs, \$45.

These are the retail prices for local pickup in Charleston. The prices for shipping are a little more than double, as Goldbelly—the third-party shipping portal/platform we are a part of—takes their cut, and then there’s the cost of overnight shipping, dry ice and packaging.





Life Raft Treats peach bombs are dairy and gluten free.

EGT: Tell us about your dairy-free and gluten-free options.

CW: Our peach bombs are dairy and gluten free. They are peach sorbet made from South Carolina peaches, sprayed with Valrhona Almond inspiration (a dairy-free almond and cocoa butter coating) that we tint. The process we use to coat the peaches results in the peaches having a fuzzy appearance, just like peaches!

EGT: Where are you selling?

CW: We sell through our website for Charleston pickup, we ship through Goldbelly, and we are in 500 retail locations across the country—including some Whole Foods Markets, Mariano's, Roundy's, Central Market, DashMart and Fresh Direct.

EGT: Do you have any advice for novice inventors of food products?

CW: Start small and as lean as possible. You don't need to spend a bunch of money on marketing for a minute.

Give away as much product as you can; when you are starting off, you need to get your food in as many mouths as possible.

Most important, remember that comparison is the thief of joy. Do not look at what other people have accomplished and try to measure yourself against them.

EGT: What's up next for Life Raft Treats?

CW: We are working to find a co-manufacturer so we can get more Not Fried Chicken on shelves out there! 🍗

Details: liferafttreats.com, hello@liferafttreats.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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10 QUESTIONS WITH GARY LAUDER

RENOWNED VENTURE CAPITALIST, SPEAKER, INVENTOR FIGHTS
THE 'ASSAULT' ON U.S. PATENT SYSTEM

WHEN GARY LAUDER SPEAKS, you had better be listening. Blessed with an encyclopedic mind that is always in motion, Lauder delivers complex but commonsense realities and theories in rapid fire during his many speaking engagements. His billion-dollar business acumen, track record and reputation as a visionary command attention.

He is a source of uniquely innovative posits on subjects ranging from economics to traffic flow to the cascading deluge of hurdles confronting the independent inventor.

Interested in inventing since he was a young boy, Lauder shares 17 patents involving video on demand, virtual reality latency reduction, heliostats and more. He is the managing director of Lauder Partners, LLC, a Silicon Valley-based venture capital firm. He has degrees in international relations from the University of Pennsylvania, economics from the Wharton School, and an MBA from Stanford Graduate School of Business.

Lauder has invested in over 170 private companies, mostly in IT or MedTech. In the film “Innovation Race,” he described the “venture” in venture capitalism as being short for “adventure”—and in this interview with *Inventors Digest* discussed his varied entrepreneurial experiences that reflect this spirit.

He is also heavily involved with the Alzheimer's Drug Discovery Foundation, founded by his father and uncle.

Lauder's speech at an October 2015 IP conference, “Patently Absurd: The Assault on the U.S. Patent System”—delivered just four years after the America Invents Act that created the much-maligned Patent Trial and Appeal Board—rings true a decade later. His speech about the role of patents in corporate America in March 2020 was self-described as “patent policy perspectives that strive to be novel, useful and non-obvious.”

His quiet tone cannot be mistaken for passivity; he calls out “rip-offs,” “stupid decisions” and urges all of our readers to contact lawmakers and urge the passage of PREVAIL, PERA and RESTORE, legislation promoting fairer

Gary Lauder, shown posing a question at a medical conference, shares 17 patents and has invested in over 170 private companies, mostly in IT or MedTech.

treatment of inventors. His thoughtful, erudite observations cannot be mistaken for lack of personality; he is a hilarious, in-demand public speaker who often tells audiences “I will rely on the Doppler Effect—the tendency of stupid ideas to seem smarter when they come at you rapidly.”

ID editor-in-chief Reid Creager had the privilege of sharing Lauder’s insights during a recent Zoom interview.

I saw an interview where you said that in ninth grade, you came up with an idea that's pretty much the same as the hyperloop—a high-speed, ground-level transportation system for people and freight. You didn't do anything with it. Have you always had an innovative mindset?

Yes, but that was long before I was aware that vacuum trains were conceived in the early 1800s. I was always a tinkerer who conceived of things quite easily.

I very much resonate with Thomas Edison’s quotation about [inventing being] 1 percent inspiration and 99 percent perspiration. So, yeah—ideas come easily to me, and the technological solutions to problems come easily.

I was fascinated by your comments in a September 2022 speech about the mind of inventors—how they can be obsessive-compulsive, dyslexic, bipolar. What inspired you to take this psychological tour?

It was a simple observation that many of the entrepreneurs whom I’ve known have personality quirks, many of which fall into clear diagnosis. Some aren’t clearly diagnosable, but there’s a common thread—which is, often due to their personalities, they are otherwise unemployable near their potential. ...

Historically, people who happen to be unemployed have sometimes founded their companies due to their having a lot of time to

Lauder shares with fellow attendees at The Lobby Conference, self-described as “premier gatherings of thought leaders in the consumer and enterprise technology ecosystems.”



“There have been so many benefits to our society of people’s ability to pull themselves up by virtue of [the patent system]—and it’s a real shame that it’s going away.”

think because they’re not at a job. Just as patent entrepreneurship sidesteps personality quirks, it has performed a similar role for people like Elijah McCoy—whose parents were slaves—coming up with the self-oiling locomotive from which we get the phrase the “real McCoy.”

It didn’t matter if you’re black or not. You could still get a patent. There have been so many benefits to our society of people’s ability to pull themselves up by virtue of this system—and it’s a real shame that it’s going away.

What would you say to people who dispute your claim that patents are on their deathbed?

I would say to them, there’s plenty of evidence to the contrary. There’s the fact that the value of patents for purchase has dropped precipitously. It used to be on the order of a half million each. Current estimates range from 50 thousand to 200 thousand dollars. Many never sell due to not being worth the paper they are written on—partly due to maintenance fees.

The awards, in terms of how much people can recover from patents, are dramatically down. This is largely due to the [2006] *eBay v. MercExchange* decision, which has made it much, much harder to get injunctions. The RESTORE Patents Rights Act is before the House and Senate and is meant to address that, in part ...

Anyone who has initiated patent litigation in the past decade would have been subject to the Patent Trial and Appeal Board—and that adds approximately two years and at least \$1,000,000 of expense to trying to get proper resolution to it. And in addition to adding time and money, there are all kinds of random, really stupid decisions, so it decreases the likelihood of patents surviving.

Often, claims get knocked out at the PTAB. And what claims remain often never go to trial. Sometimes, those going to trial are so weak that

they’re not able to recover what they might otherwise.

It’s a very screwed-up process. This is not just the PTAB, and it’s not just *eBay*.

It’s everything. There are just so many different problems with the system.

Part of it is, there have been a lot of anti-patent judges appointed. Part of it is that they used to be able to assume some venues were fast, and now one can’t pick the venue carefully—and so it’s just that much more delay in the system. ...

There are just so many different problems, all of which result in the inability of patent owners to get justice when they are being robbed. And consequently, there are a lot more companies doing the robbing because they know they can get away with that.

The pro-patent bills that are being proposed—not the first rodeo here. Why do they never gain enough traction?

That’s based on the fact that the opposition puts out lots of little lies, and that makes it hard to overcome.

For example, as it applies to PREVAIL and PERA, there are groups advocating on behalf of patients that are claiming that passing these bills will make drug prices higher in the future.

And some of these advocacy groups are paid for by none other than Big Tech, who are actually not at all that interested in what happens to drug prices. They just don’t want these bills passed because they’d rather continue to be free to rip off anyone.

Are these bad actors causing a change in the way patent protection is litigated—and how often?



During a 2010 TED talk, Lauder spoke about how so much in our world can be innovated and improved upon—even traffic signs.

Correct. That's one of the reasons I refer in my 2022 presentation to "missing litigation."

Given the technological intensity of this country and how dramatically it has grown, you would have expected a lot more litigation than we presently have. If we had a patent system as robust as it was in the past, as with every wave of new technology, there would be a lot more litigation to sort out the rights among the disparate inventors.

But yet we're not having that litigation. Because now big companies do whatever they can get away with—euphemistically calling it "efficient infringement"—and in this environment, they usually CAN get away with it.

Is there any kind of defense for an inventor who's being infringed upon and economically bled out? They tried to do this with Josh Malone and Bunch O' Balloons, and he ultimately won—but a lot of people would have been out of the game long before.

I'm not aware of one—I mean other than optimizing your IP strategy and using the ITC

[International Trade Commission] where appropriate and so forth. It's just really hard. ... And then the people who were defrauded, they ultimately don't have the right to reassert their patents.

Is there any one solution that would turn the PTAB into less of a "patent death squad"? Or is this something that needs to be fixed systemically?

I'm unaware of any one quick fix other than what Josh Malone is advocating, which is to eliminate the PTAB in its entirety. But I think that is deemed to be "a bridge too far." That is something that opponents would not let happen, and so that therefore is not something that's worth anyone's time to actually go seek.

But there are a lot of things that would help—for example, having the same level of evidentiary standard of clear and convincing evidence, instead of preponderance of the evidence. It should be the same as it is in court.

There's also having examiners who have

Lauder talks with Comcast Interactive Capital's Sam Schwartz (left) and Amy Banse at Fortune Brainstorm 2011 in Aspen, Colorado.

"There are just so many different problems, all of which result in the inability of patent owners to get justice when they are being robbed."



expertise in the actual subject area that is under consideration. This should be required.

You're the holder of 17 patents. What is your takeaway about your dealings with the patent office? What does it do well? What does it not do well?

Truthfully, I haven't interacted much directly with the patent office. But there's one thing that I wish the patent office offered.

One of my patents is on something that I built for myself (a heliostat), and I would like to see someone else commercialize. The reason I patented it was NOT to prevent someone else from commercializing it, but to enable someone else to commercialize it because they wouldn't if it could just be copied. ...

What I'd like to do is to be able to set a flag on my patent saying this is available, and I'm looking for anyone who wants to make a business out of it. I don't know if the patent office allows you to attach any sense of message to your own patent to basically say "This is up for grabs."

Venture IS short for adventure, isn't it? What is your most successful venture capitalist adventure?

The venture I like to talk about most was an investment I made in a company named ShotSpotter. They sell gunshot location services to the police. I was their first and only investor in 2004, and they ultimately went public in 2017. The value of the company went up a huge amount, and now it's back down.

If I were to measure from the point of investment to the peak of its market value, perhaps it might have been the most successful in terms of that aggregate value creation for me, but I didn't sell most of my stock then.

But this has been very rewarding to me because of the fact that it has saved thousands of lives, made a lot of money, and employed a lot of people. It made communities safer and police safer.

Also of great significance to me is the fact that I had zero expertise in this domain when I invested in it. ... a big "aha!" moment for me in realizing that I didn't have to "stick to my knitting" and only invest in the fields I already knew—because my transferable expertise was in



MORE GARY LAUDER

"The Roll [sic] of Patents in Corporate America," March 2020:
<https://bit.ly/techlashmisdirection>

Sequel speech, September 2022: <https://bit.ly/PatentRollSequel>

2010 TED talk in Long Beach, California: <https://bit.ly/GML-TED>

2012 TED talk in San Rafael, California: <https://bit.ly/GML-TEDx>

recognizing talent and helping early-stage tech entrepreneurs build their companies.

So this had kind of a concentric ripple effect in terms of your being emboldened to go forward with other opportunities as well?

Correct. As an example, I invested in a company that's making technology to automate the management of swimming pool chemicals.

This is a company named WaterGuru.

Most people who have pools actually manage their swimming pool chemicals themselves, and it's really frustrating to [try to] get it right.

This system automatically measures pH, chlorine and other parameters, tells them how much of what to add. The company is now just turning the corner and breaking even. ...

I've also been an investor in a company that makes a new form of optical filters. I don't think there are any venture capitalists who specialize in optical filter technology.

It's all about a different way of thinking. ☺



LIVE '25 THRIVES

IPWATCHDOG'S SIGNATURE ANNUAL EVENT
ATTRACTS IP'S FOREMOST THOUGHT LEADERS

YOU'D HEAR THOSE CHIMES and just know: This was not a typical intellectual property conference.

When it came time for another panel session at IPWatchdog LIVE 2025, there was no PA announcement, no one pushing through the crowd yelling an alert. There was Renee Quinn—half of IP's First Couple with IPWatchdog founder and CEO Gene Quinn—strolling around playing a chime instrument.

The high-traffic March 2-4 gala at the Renaissance Capital View Hotel in Arlington, Virginia, was a compelling collision of some of the country's foremost thought leaders on topics ranging from danger signs for patents to the intersection of IP and AI. Some dozen exhibitors, including *Inventors Digest*, parked outside the conference room doors—part of an invention-centric networking nirvana.

Attendees and speakers included retired Chief Judge of the U.S. Court of Appeals for the Federal Circuit Paul Michel; U.S. House Judiciary Chief Counsel for IP J. John Lee; Senate IP Director Peter-Anthony Pappas; retired federal circuit judge Randall Rader; Acting USPTO Director Coke Morgan Stewart; former USPTO Director Andrei Iancu; Lisa Jorgenson, deputy director general of patents and technology at the World Intellectual Property Organization; and long-time federal circuit judge Pauline Newman.

And if you wanted a break to clear your mind, there was always the live puppy cam at the registration desk.

Inspiring? Definitely. Informative? Come on.

And interactive? By the end of the three days, one of the attendees was walking around as the guest "chimer." This was not a typical IP conference. —Reid Creager



Top left: IPWatchdog Chief Operating Officer **Renee Quinn** plays chimes to signal the start of the next panel session. Top right: **Scott Kieff**, consultant at Kieff Strategies and professor at GW Law, shares a light moment with former USPTO Director **Andrei Iancu**. Left: IPWatchdog CEO **Gene Quinn** (left) talks with Federal Circuit Judge **John Holcomb**, one of the keynote speakers. Below left: "Inside the Beltway: The future of IP and innovation Policy" was one of 19 different panel sessions on vital current topics. It featured speakers (from left) Judge **Paul Michel**, retired chief judge at the U.S. Court of Appeals for the Federal Circuit; **John Lee**, chief counsel for intellectual property at the U.S. House of Representatives Committee on the Judiciary; and **Peter-Anthony Pappas**, director of intellectual property policy at the U.S. Senate Committee on the Judiciary. Below: **Pauline Newman**, longtime circuit judge for the Court Appeals for the Federal Circuit, presented the annual award established in her name.





Above left: **Gene** and **Renee Quinn** welcome attendees. Right: **Chirayu Parashar**, senior consultant at Lumenci and **Lou Zetes**, general manager at Competition Dynamics, enjoy a humorous aside from a speaker. Below and bottom right: **Lisa Jorgenson** of the World Intellectual Property Organization and USPTO Acting Director **Coke Morgan Stewart** were among the featured speakers at the event, where networking was everywhere.





Above left: *Inventors Digest* editor-in-chief **Reid Creager** was one of the many exhibitors. Above: Solve Intelligence adviser **David Joo** explains the role of artificial intelligence in patent preparation, a recurring theme at the conference. Left: IPWatchdog Editor-in-chief **Eileen McDermott** prepared posts for the website and enjoyed the panel sessions.



BRIGHT IDEAS

Sphero Bolt

CODING ROBOT BALL

sphero.com/products/sphero-bolt

Sphero Bolt is a programmable robot ball that you can drive and code—a tool of STEAM learning. Kids can learn programming, complete hands-on activities, and share creations at home with guidance from parents.

Bolt is packed with programmable sensors including a compass, light sensor, gyroscope, accelerometer, motor encoders and infrared communications, along with an eye-catching and animated LED matrix. Via the free Sphero Edu app, you can create and customize games and code BOLT by drawing on your screen, using drag-and-drop coding blocks, or writing JavaScript.

The robot features inductive charging for 4-plus hours of play and connects via Bluetooth SMART so you can see commands and creations come to life. It retails for \$159.99.



Y-Brush

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y-brush.co

Unveiled at the 2024 Consumer Electronics Show, Y-Brush claims to be clinically proven to double the performance of leading sonic toothbrushes.

The brush is said to provide a complete and effective brushing of all teeth in a single motion, brushing them in 20 seconds. The flexible shape adapts easily to your mouth's shape.

The brush head has thousands of nylon bristles inside. Lightly bite down while moving the brush from side to side to remove plaque.

Y-Brush uses a pay-as-you-go system. In the Core Plan, you pay \$29.90 every three months on a one-year minimum membership (one-time fee if you cancel early). You get a new brush head every three months.

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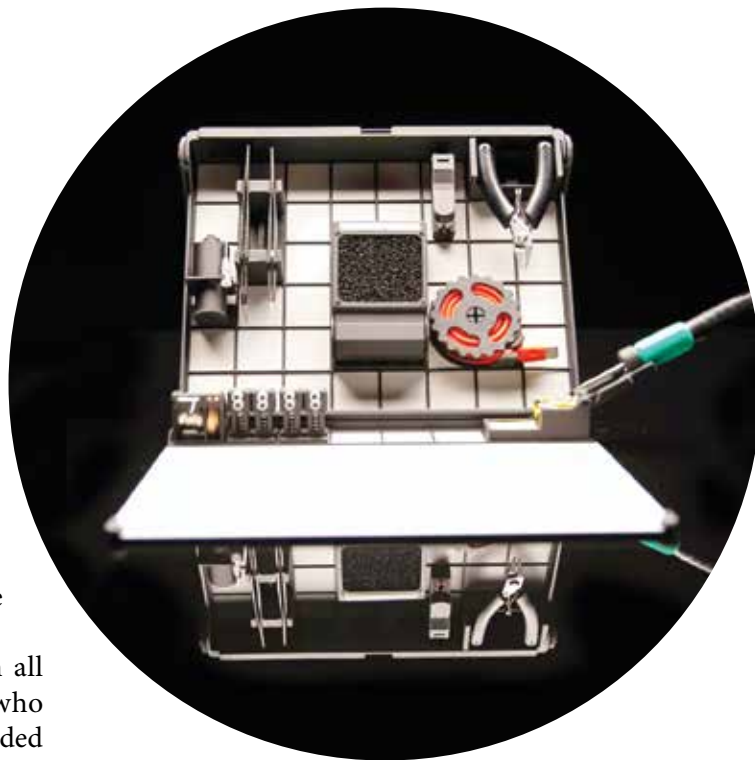
soldr.pro

SOLDR is a fully featured soldering station that packs away in a few seconds when you don't need it.

The kit folds up into a portable case, with all components held by magnets. It opens to reveal a grid system where you place the items.

Pieces include a soldering pen that heats up in seconds, flux cutters, tweezers, flux syringe, wire strippers solder and copper braid, and more.

SOLDR will be an open-source project, with all files being published for download for those who want to print the parts themselves. Its quickly funded Kickstarter program was to end April 9 with a price of \$99 for those first to order. News on future availability will come in a newsletter through the website.



**“The best way to have a
good idea is to have a lot
of ideas.”** —LINUS PAULING

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Breathing deeply is said to make people more calm and productive. Makers of this cushion say it “healthfully applies the scientific phenomenon of rhythmical synchronization between people, or between people and objects.”

Hold the cushion, and your breathing pattern begins to match that of the cushion in terms of rhythm and depth. Users can choose between three modes (rest, work, and sleep).

The design takes inspiration from breath, with its organic shape and calming white color resembling clean air. Its versatile form allows for different holding positions to match your mood. The weight and gentle touch of the product aim to create a sensation similar to cradling a living creature.

Fufuly sells for 29,800 yen, or about \$200 U.S.



The Ins and Outs of Negotiating a License

HIGHLY SITUATIONAL EXPERIENCE DOES HAVE ITS COMMON STIPULATIONS AND BEST PRACTICES **BY LARRY UDELL**

THOUSANDS OF TIMES over the past half-century, inventors have asked me about the opportunity of licensing their brain-child instead of attempting to go into business and investing lots of money. There are no real secrets to successfully licensing a new product/technology, but it does require unbelievable patience and lots of research time.

A license is a contractual business relationship between a seller (licensor) who authorizes a buyer (the licensee) to use the seller's patent, trademark, copyright, or any form of intellectual property for compensation.

Licensing should not be attempted without expert legal assistance. There is no standard licensing agreement that can be used as a universal guide. License negotiations and document drafting should be custom designed to fit the specific business situation, or the technology.

Licensing grants only limited rights to the property to the licensee—usually for a fixed period, and oftentimes for a specified use or market for sale. You can only sell a possession once; however, you can license a valued possession of knowledge or value hundreds of times, and in many cases, simultaneously.

If you are the sole proprietor—or, for example, a patent owner of a technology—you can sue perceived infringers. Your ownership provides you with an asset having a value that is determined by what a potential licensee will pay you for it. If it is an exclusive or non-exclusive license, it can affect the value.

Research the market first

Almost anything in which there exists a protectable property right can be licensed. The most familiar properties are industrial processes,

patents, trademarks, copyrights, trade secrets, methods, formulas, customer lists and manuals.

In each case, there is a form of legal right, such as the property right granted by the U.S. government to an inventor when a patent is

issued. The technology covered by the issued patent becomes a valued property for 20 years, and the patentee has an exclusive right to do whatever he or she desires with it.

However, because its value is only determined by what a reliable corporation or individual is willing to pay, either in royalty form or licensing rights, it is crucial that the owner conducts extensive research into the potential market: who is in it, how big it is, how can you be hurt by licensing to a specific company, what are the advantages to each of the companies in the market, etc.

There is no way of determining value, and the ability to negotiate a license, until an experienced and reliable organization or individual does an in-depth research study.

And remember this: Never do your own negotiating unless you have previous experience that resulted in a successful conclusion. I have seen hundreds of inventors destroy any opportunities for success because they either got greedy or wanted to do everything themselves. Either have your patent attorney approach a potential licensee or hire an individual or firm that knows the process.

Long list of advantages

Licensing can provide a licensor with income for a long time—with much less risk and commitment than involved with raising investment capital, manufacturing, and all the required ingredients in establishing and owning a company that produces and sells a product.



Licensing can provide a licensor with income for a long time—with much less risk and commitment than owning a company that produces and sells a product.

However, the licensor will only receive a small percentage of the profit from the sales of a licensed product or technology, since the risk is considerably less. The licensee must make the required investment in establishing everything necessary to produce the finished product and get it to the buyer or end user.

Besides the benefits of royalties in licensing, in many cases the licensor can receive equity in a new business venture—especially if it is being created for the purpose of marketing the finished product that is the result of the license.

The percentage often depends upon the level of commitment and benefits to the venture that the licensor brings to the table, along with the position and responsibility.

Path to escalating value

When should you license? A protective idea increases in value as the following events take place (though this does not apply in all cases):

- A raw idea is formed.
- A U.S. patent application is filed to cover the idea.
- A working model or demonstration of the viability of the idea is made.
- Foreign counterpart patents are filed, providing funds are available.
- The U.S. patent issues. Now there is a moderate value.
- The idea/invention is commercially marketed, or it has been reduced to practice and recognized experts support the technology. The value is now increased.

- A license is arranged with an established, financially sound corporation. Now there is a high value.
- Additional licenses for either other uses or geographic parameters is now instituted. The original idea now has very high value.

Look for stability and specifics

The common question is, “How do I find a potential licensee?”

My normal response: “Research.” Unless the product fits into a niche market, you must find out who the logical, financially stable corporations are and learn everything you can about them. This includes their 5- or 10-year stock value—along with their marketing procedures, stability of their officers, who serves on the board, etc.

This information is available but requires intensive research.

Finally, be very cautious of invention promotion firms where you have to pay up front for services. And be proud to be an American inventor.

For more information, contact the Licensing Executives Society for a copy of its Licensing Consultants & Brokers Directory. 📞

Larry Udell is executive director of the California Invention Center and founder of the Licensing Executive Society, Silicon Valley Chapter. He is a teacher, lecturer and consultant who has created more than 35 corporations. He consults to Fortune 500 firms and smaller businesses.





Yo, Dog! Be the Customer

INVENTORS WHO PRIORITIZE PROFITS OVER DOGFOODING
WON'T HAVE A PRODUCT FOR LONG **BY WILLIAM SEIDEL**

NOTHING MATTERS if the dog doesn't eat the dog food.

Dogfooding is placing yourself in the shoes of the users. And it needs to happen early in product development.

Surprisingly, many inventors and designers create a product for someone else and never use it themselves. To create better products and prevent problems and failures, designers must live with and use the products they develop.

A grand plan, doomed

Some nutritionists in a pet food company were directed to reduce the costs of their dog food. They created a very low-cost food that substantially increased profits. Unfortunately, the customer (the pet owner) and the consumer (the dog) were ignored because it was profit focused for the company.

The promise of high profits put it on the fast track. The president said, "We make twice the money. I want this in production now!"

Quickly, this dog food created a stir. It sold in to all major chains, but the sell-through to customers was too slow.

The president called an urgent meeting and ranted, "We've spent a fortune and did everything—the best ads with star endorsements, award-winning packaging, and distribution everywhere! Why isn't it selling?"

Manufacturing said: "Everything is working great. It's made per specification with ample supplies."

Distribution said: "There are no shipping or receiving problems. Everything is available in a wide selection of stores and on time."

Marketing explained how it's the best the department has done. The packaging is dynamic, the advertising slick, and the product is competitive at a lower price. "It can't be the marketing."

Finally, the person in charge of research and testing said: "I know the profits are attractive, but you all should have read my memo.

"Dogs won't eat it!"

Hype isn't enough

The term dogfooding originated for product development to be certain the product works for its intended purpose.

A huge marketing launch and advertising push can get customers to buy it once. But it doesn't matter how profitable it is.

No amount of marketing can change the fact that dogs won't eat it! And if the dog doesn't eat it, there is no repeat purchase. As a consumable product, it's doomed.

This has nothing to do with profitability. This is listening to testing, knowing how the product is used, understanding what customers need to hear to satisfy them and benefit their dog.

It must be profitable for the company; customers must be satisfied they made the right purchase decision; and most important, the consumer must like eating it.

The same is true for dog toys. They are made in every shape, form and color to appeal to the owner, but the dog doesn't care. It's just as happy to fetch a stick.

The package, message and price persuade the owner. A happy dog at mealtimes will make it a repeat purchase.

A lesson for techies

Dogfooding was largely promoted in software because developers are often blind to how their products are used. It forces the good practice that those who design the products also use them.

Product developers should also write the first user manual. Explaining it in simple terms for the consumer is harder than it sounds. This forces the designer to better understand user needs.

Integrating dogfooding in the process of developing, testing and improving the product before internal tests produces a better product. But testing it is not using it.

When the product goes to Alpha Testing (internal testing), it should have been reviewed and improved many times. This increases the odds for internal acceptance and funding.

Forcing designers to live with the product, use it and constantly re-evaluate and improve the usability provides better-quality limited user problems and fewer returns.

What is important is Beta Testing of consumers. Do the dogs eat the food? And do the

marketing factors, benefits, package, price, etc. persuade customers to buy it?

Drink it; eat it; live it

Constant evaluation, revisions and testing should never stop.

I have a poker pal who was an executive at the two biggest advertising agencies. He bought and used all his clients' products. His refrigerator was filled with Schlitz beer, with Jolly Green Giant products in the freezer and Lay's potato chips on the poker table. His insurance was Allstate. He used Mr. Clean for every cleaning need.

He was an ad man who lived with the products, believed in what he did and constantly

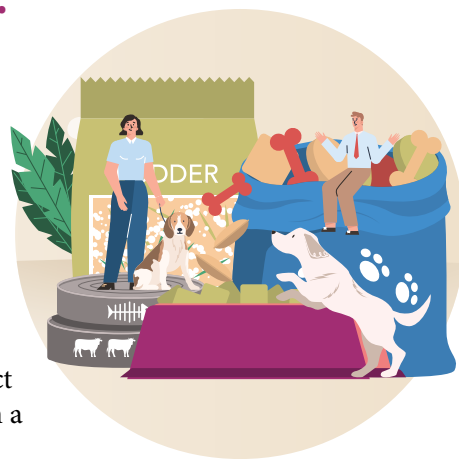
Dogfooding is listening to testing, knowing how the product is used, understanding what customers need to hear to satisfy them and benefit their dog.

strived to intimately know them and make them better.

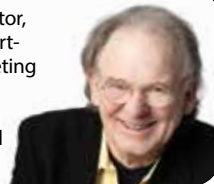
Brilliant marketing will persuade customers to try it once. But the value customers receive is the reason they buy it again.

If "Product is king," marketing is the prime minister. Product becomes king when it takes on a life of its own.

So, live with your product! Use the tools you create, drink your own beer and (figuratively) eat your own dog food. 🐕



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.



Tools of Your Trade

4 ITEMS THAT ARE CRUCIAL IN YOUR MEASUREMENT LAYOUT—AND HOW TO USE THEM **BY JACK LANDER**

IN LAST month's column, the precision measurement tool was the dial caliper—a handheld tool for measuring objects up to 6 inches in increments of a thousandth of an inch.

The dial caliper has substantially replaced the older micrometer in the tool kit of the prototype builder. And because both devices help explain precision measuring in general, I am adding a few details about them.

The advantage of the dial caliper as against a micrometer is that it is used in one hand. A micrometer requires two hands—one to hold it by the frame, and one to operate the thimble-screw. The micrometer is also limited in range; a 1-inch “mike” is limited to that range.

However, the micrometer is more accurate than the caliper for measuring the thickness of sheet material. It can be read in increments of 1/10,000th of an inch.

Base basics

Now, let's explore the height gauge, which is similar to the dial caliper in terms of increments.

The main difference is that the height gauge is used to lay out components of a prototype—to mark them for cutting, bending, grinding or filing, and for matching them before attaching them. Therefore, the lone “arm” of the height gauge terminates in a sharp knife-edge protrusion, not at all like the blunt jaw of the dial caliper.

To use the height gauge, you will need a flat base for its placement. The traditional base is a surface plate, usually made from granite. These are available in several sizes.

For average prototyping work, I recommend the 12-inch-by-12-inch or 12 inches by 18 inches, 3 inches thick. These sell for around \$100 to \$150.

They are rated on their degree of flatness. Unless you are working in microns rather than thousandths of an inch, the grade B is sufficient for prototype work.

Since I sold my business and now work out of my home, I have been using a piece of plate glass as the base plate. Plate glass—not window

A height gauge is used to lay out components of a prototype—to mark them for cutting, bending, grinding or filing, and for matching them before attaching them.



glass—is thick and very flat, sufficient unless you are redesigning and prototyping the mechanical wristwatch.

As you can see from the photo on the opposite page, the height gauge is a vertical-scale device. In use, it stands upright on the surface plate and is free to move in any horizontal direction.

A companion to the height gauge is the 90-degree toolmaker's angle plate (block), which is used to hold a work surface upright and perpendicular to the surface plate. You can purchase one of suitable accuracy for as low as \$15.

There is one more item you'll need for your expert layout: a can of Dykem "steel blue layout fluid." This comes in a can with a built-in brush, also available in a spray can.

Getting to work

OK, we have the four essential items. Let's go for a test run.

Suppose you are prototyping something that requires a tight-fitting glass window, 3.040 by 7.085 inches. You can't measure and mark those dimensions accurately using a ruler and a marking pen.

Here is where the height gauge accomplishes the layout with incredible accuracy. The steps:

- Clean the sheet of glass using detergent and water. Rinse well. Be sure it is completely dry before Step 2.
- Coat an area larger than your target dimensions, using the Dykem steel-blue layout fluid. Let dry.
- Set the height gauge to 4.040 inches.
- Gently clamp the coated glass against the 90-degree angle block. Make sure the bottom edge of the glass is flat and resting well on the surface plate. (It may be a good idea to cut a new bottom edge.)
- Move the height gauge knife edge into position on the Glass. But instead of touching perpendicular to the glass, create an angle of several degrees so the knife-edge drags across the glass smoothly. (You'll develop a feel for this very quickly.)

- Now, slide the height gauge across the surface plate, scratching a line through the dry layout stain. You will see the very narrow scratch line.
- Remove the glass from the 90-degree angle block and place it flat on the surface plate. Using a steel straight-edge and a glass cutter, adjust the straightedge so that the sharp edge of the glass cutter wheel coincides with the scratch line in the layout stain, and, using pressure, drag the glass cutter the full length of the layout scratch line.
- Break the work piece from the main piece of glass and repeat steps 4 through 7 to obtain the 7.085 length.
- If you have a belt sander, carefully blunt the edges of the workpiece to make it safer to handle.

Now you have the essence of using the height gauge.

Of course, glass is probably the least of the materials you'll be scratching. Cold-rolled steel of thicknesses from 18 gauge to about 24 gauge are common. Brass sheet is another common prototyping metal.

Before removing the stain, and if you have a good eye and steady hand, you can separate the piece using your sheet-metal shears (scissors).

If you intend to bend the sheet, you will have to know the bend allowance in order for the center of the bend to meet the dimension of the bent part. This will be covered in a future column. ☞



Dykem "steel blue layout fluid" and a 90-degree toolmaker's angle plate (block) are vital companions to your height gauge.

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.



Plan Goals in Stages

INVENTORS NEED A SHORT-, MID-, AND LONG-TERM PLAN, HELPED BY THESE PATENT PROTECTIONS AND STRATEGIES

BY GENE QUINN

TOO OFTEN, inventors and entrepreneurs spend so much time creating that they have their head down, plowing forward, focusing only on the day-to-day operations associated with inventing and growing a business. Almost without fail, inventors know very well what they have invented and what they plan to do—but they have a terrible sense of what their invention could be.

I once had a conversation with an inventor who thought I might not understand his invention because the first draft of the patent application seemed to miss the simplicity of his invention. Our job as patent attorneys is not only to try and protect the invention presented, but to work with the inventor to figure out the full glory of what the invention could become.

A patent application should certainly protect what the inventor is doing and what

he or she wants to do. But remember that in order to get a patent, you do not have to produce a working prototype. You just need to be able to explain the invention with sufficient detail so that others skilled in the relevant technology area could make and use the invention themselves without having to engage in undue experimentation.

What is “undue experimentation” is a topic for another day—but suffice it to say that invariably what the “invention” is from a patent perspective is much broader than what an inventor thinks he or she has.

That is one critical reason (among many) that if you can afford to hire a patent attorney or patent agent, you are always going to be better served by doing so and will wind up with much broader protection than doing it yourself.

Plan for success, and pitfalls

I constantly preach to inventors and entrepreneurs that they need to approach inventing in a business-responsible way. That means you should have immediate, short-term, intermediate and long-term goals and plans in place.

Treat your invention from Day 1 as if it will be wildly successful, at least when you are dealing with your patent attorney or patent agent. Consider what the next several phases of development will be if Phase 1 turns out to be successful enough to warrant Phase 2 and beyond.

By doing this, you will start to fill out those short-term, intermediate and long-term goals—which, if they can be defined enough on paper, can and should be integrated into your patent application.

Always think about where you want to go and how you want to get there, as well as thinking about what the competition may want to do to elbow their way into your turf if you are successful. The business reality: If you are successful, there will be others who want to get in on the action. So, treat your patent application as a master plan and an integral part of your business development.

It is also crucial for inventors and entrepreneurs to have a strategy to succeed. This seems simple enough but is typically anything but simple for the creative types who are so good at inventing.

The goal is not to create an invention that is cool; the goal is not to get a patent; the goal is almost universally to make money. The cool





Patents are the 800-pound gorilla of competitive advantage. But if you need significant sums of money from investors, rarely does a single invention or patent command attention.

invention and patent are a means to the end, not the end in and of themselves.

If you approach your patent activities appropriately, you can lay the foundation of a business plan—at least insofar as the technology and technological advancement of your innovation is concerned. But like almost everything in life, there is a cost associated with succeeding.

The cost is hard work, to be sure, but there will also be significant financial requirements. Although you may need to bootstrap your invention and business, as you move forward you will invariably need funding—from angel investors to start, and maybe eventually from venture capitalists.

Regardless of what you may have read or been told, investors love patents and a coherent patent strategy. Patents provide a competitive advantage, and those sophisticated in business know enough to look for and exploit whatever competitive advantage exists.

Patents are the 800-pound gorilla of competitive advantage. But if you need significant sums of money from investors, rarely does a single invention or patent command attention.

No one wants to invest significant funds into a company that has a one-and-done approach to innovation. You need to understand the road is long.

Take a lesson from Apple. Innovate and then churn your innovation for all it's worth, re-purposing the technology, expanding into products and

services, constantly pushing the envelope and milking the golden goose for all it's worth!

With this in mind, here are some considerations as you consider your invention and patent strategy. If you can get one patent, you can get more. You can constantly loop back for more protection while keeping vigilant on your patent portfolio to continue to look for opportunities.

Invention is not a singular event; neither is innovation. Succeeding in the marketplace with your innovation is a journey.

2 strategies

At least two strategies allow patent applicants and/or patent owners the ability to broaden their patent protection and/or patent portfolio.

First, a patent applicant may file what is called a continuation, which is a second application for the same invention claimed in a prior nonprovisional application—and filed before the prior application becomes abandoned or patented. At any time before issuance, abandonment or other termination of proceedings in an earlier nonprovisional application, an applicant may file a continuation to introduce new claims.

Filing a broad specification with narrow claims can lead to the issuance of a patent relatively quickly in some cases. Coupled with a continuation strategy, you can get a patent issued and circle back for additional protection.

This strategy can be key for start-up companies and small businesses who need funding.

Investors love patents—and if you can get one patent, they will know you can get others.

Although many will tell you that no new matter may be added to an application once it is filed, you can add new matter through the use of a special kind of continuation application. A continuation-in-part is essentially the same as a continuation, except for the fact that new matter is added to the application.

The new matter will not enjoy the same filing date as the earlier filed application, but it can be added to previously filed matter through the use of a continuation-in-part application. So you can file an application, obtain a patent and then add newly invented material into a continuation-in-part as you circle back for additional patent protections on the underlying specification.



This may not be appropriate in all cases, but it is an appropriate tool in some situations.

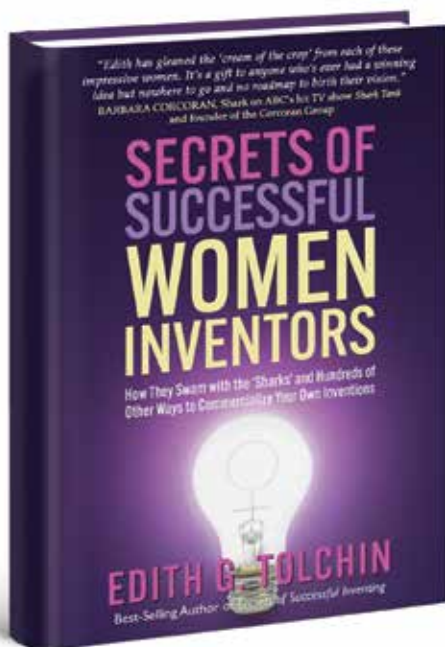
Additionally, when it is discovered that a patent is somehow defective—whether wholly or partly inoperative, invalid or just because the patent applicant claimed less than he or she had a right to claim in the patent—the patent may be surrendered and ultimately reissued after further examination. If you claim less than you are entitled to, you can go back for more as long as you do this within two years of the patent being issued. This is called a broadening reissue.

Strengthening your patent

There are at least two ways to strengthen your patent.

First, you can strategically utilize re-examination. This is admittedly a tactic that is not appropriate for those who are risk averse, but done appropriately in the right circumstances it can be used to significantly strengthen a patent.

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

Edith G. Tolchin
(photo by Amy Goldstein Photography)

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Of course, all patents are presumed to be valid, but patents that have gone through re-examination are entitled to an even stronger presumption of validity.

District courts struggle with what this black-letter law means but seem to agree that it is very difficult, if not impossible, to invalidate patent claims that have emanated from reexamination.

A re-examination request can be filed anonymously, and it is only necessary to establish that a substantial new question of patentability exists as to any one of the patent claims to order reexamination. In the examination stage of the re-examination, normally all patent claims will be re-examined—even where the order has made a finding of a substantial new question for less than all the patent claims.

Given that hindsight is always 20-20, mistakes and errors can and do come to light sometimes after a patent has issued. In this case, consideration should be given to seeking a reissue.

Unlike a reissue that seeks to broaden the scope of claim coverage, a narrowing reissue (i.e., any reissue that does not seek to broaden the scope of the claims) may be applied for at any time, assuming the patent is still in force.

A narrowing reissue may be appropriate when a flaw or mistake is discovered in the claims that would render one or more claims wholly or partly inoperative or invalid. Furthermore, the failure to appreciate the full scope of the invention is an error correctable through reissue.

Conclusion

While the universal truth is that most inventions do not ultimately succeed, if you don't plan for success from Day 1 and chart a course for achieving success you are almost certainly dooming yourself to fail. The more thought and consideration you give to the immediate, short-term, intermediate and long-term strategies you will employ, both in terms of protection and innovation, the more attractive your company will be to investors, and the more likely you will be to succeed. 🐕

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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Squires Nominated to Lead USPTO

IP VETERAN ON A TIMETABLE TO TAKE REINS EARLIER THAN MOST PAST PTO LEADERS **BY EILEEN MCDERMOTT**

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

PRESIDENT Donald Trump has officially nominated John Squires to be the next director of the U.S. Patent and Trademark Office.

The nomination was transmitted to the Senate on March 10 and referred to the Judiciary Committee. (*Editor's note:* Squires must be confirmed by a full Senate vote.)

Squires has been rumored to be the choice for the position since February. He is chair of the emerging companies and IP practice at Dilworth Paxson, and was chief IP counsel at Goldman Sachs from 2000 to 2008. Before that, Squires was a partner with Gibson Dunn & Crutcher LLP in New York and with Perkins Coie.

During IPWatchdog's LIVE conference in Alexandria, Virginia, March 2-4, panelists discussed Squires' past commentary on patents. They noted he has written about patent trolls quite negatively, although he is considered relatively pro-patent overall.

LIVE attendee and inventor Doug Pittman told panelists in a Q&A period that Squires has served as his personal attorney. "My opinion is, he will turn this system inside out and upside down; he'll turn it around. Squires has been in the foxhole and I'd be jumping for joy if I was an attorney, because he knows what he's doing."

"My opinion is, he will turn this system inside out and upside down; he'll turn it around."

—INVENTOR DOUG PITTMAN

Ties to Commerce secretary

Earlier, Intel's director of IP policy, Vishal Amin, was viewed as the front-runner for the position. Brad Watts, vice president for patents and innovation policy at the U.S. Chamber of Commerce's Global Innovation Policy Center who served under Sen. Thom Tillis (R-N.C.) as the Republican chief counsel on the Senate Judiciary Committee Subcommittee on Intellectual Property, is also rumored to have been interviewed for the director role.



IPWatchdog founder and CEO Gene Quinn's reaction:

"John Squires is well known in certain sectors within the patent community—such as the fintech sector, where he has spent much of his career, and more importantly well known to Commerce Secretary Howard Lutnick. I've been told that there is zero sunlight on patent matters between Lutnick, Squires and current [USPTO] acting director Coke Stewart. ...

"It is also significant to note that President Trump has nominated a director of the patent office far earlier than typical. Normally, the nomination for USPTO director comes in the summer or fall, which often means the director is not able to be confirmed until February or March a year after the president has started his term.

"With a nomination coming on March 10, it is entirely possible that Squires will be confirmed by the start of the summer but should certainly be confirmed before the Senate goes on recess in August."

'Much-needed certainty'

Several IP organizations also weighed in.

Frank Cullen, the Council for Innovation Promotion's executive director, said: "At a time of increasing global competition, stable leadership at the USPTO provides much-needed certainty for inventors and businesses." Cullen called for the Senate to act "without delay."

Rob Stien, executive vice president and chief communications and public policy officer at Interdigital, wrote on LinkedIn: "At such a pivotal moment in the development of America's innovation economy, I am encouraged by the nomination of John Squires to lead the USPTO. His deep experience in both private practice and in-house shows his understanding of the importance of IP in emerging technologies and how it can support economic growth in the U.S."

Innovation Alliance Executive Director Brian Pomper said the organization is "encouraged by Mr. Squires' extensive background in

intellectual property law and his experience co-founding the Fortress IP investment fund," and that it looks forward to "learning more about his experience and views as he moves through the confirmation process."

Some hoped for Stewart

Though many in the IP community welcomed Squires' nomination, others expressed hope that Stewart would have been the nominee.

Sworn in as deputy undersecretary of commerce for intellectual property and deputy director in January, Stewart is known to be a strong believer in the U.S. patent system and patent rights in general.

She served in various senior management roles at the USPTO over more than a decade—ranging from senior adviser to acting deputy solicitor to acting chief of staff—and ultimately after the conclusion of the first Trump term functionally serving as deputy director. Her official responsibilities then were "performing the functions and duties of deputy undersecretary of commerce for intellectual property and deputy director of the USPTO."

In 2021, Stewart left the USPTO to become deputy attorney general for Virginia. She was responsible for the areas of health care, education and social services, a role she held for nearly two years.

After stepping down, she joined O'Melveny & Myers LLP, a global law firm with 18 offices and more than 800 lawyers. ☎



Some insiders had hoped Coke Morgan Stewart's interim status as USPTO director would become permanent.

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.





DOGE Dominoes

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

MUCH HAS been written about the Department of Government Efficiency's efforts to emasculate most federal U.S. agencies in the name of eliminating waste, abuse and fraud. Doing this with a chainsaw means that DOGE's young savants probably did not have a clue that the USPTO not only pays for its own budget but sees massive surpluses annually "diverted" by politicians and repurposed elsewhere.

(Editor's note: The USPTO receives no federal funding. It is supported entirely by user fees involving patents and trademarks. But it is under the Department of Commerce, which does receive federal funding.)

Congress *loves* the USPTO but did not stop DOGE from offering severance packages to USPTO employees in February, which led to early retirement offers for several hundred federal employees and resulted in the departure of key USPTO leaders. These included Commissioner for Patents Vaishali Udupa, Commissioner for Trademarks David Gooder and senior leader Tom Krause.

The USPTO has also had to implement a hiring freeze, withdrawing approximately 600 job offers to prospective patent examiners. Additionally, about 600 probationary patent examiners face potential termination. This will no doubt add to the already catastrophic backlog (1.3 million applications).

At the Patent Trial and Appeal Board, we are told that a quarter of administrative judges have since left, likely contributing to increased delays to hear *inter partes* reviews going forward. 🗨

Major cuts, severance packages hitting USPTO overlook that the agency is not federally funded.



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.



LITIGATION DECLINE REVERSES

The United States witnessed a significant increase in patent litigation in 2024 compared to the previous year.

Non-practicing entities (NPEs) added 1,889 defendants to patent litigation campaigns, marking a 21.6 percent rise from 2023. (Editor's note: An NPE is a person or entity holding patents without intending to produce products relating to that intellectual property.)

Operating companies also saw an uptick, adding 1,174 defendants—a 16.8 percent increase from the prior year.

Collectively, these figures indicate that patent plaintiffs added a total of 3,063 defendants in 2024, reflecting a 19.7 percent increase over 2023, according to patent risk solutions and data firm RPX.

Additionally, the PTAB experienced increased activity, with petitions for *inter partes* review and post-grant review rising

by 14.3 percent in 2024 compared to 2023. Ex parte re-examination requests also surged by 28 percent, reaching 444—the highest number in a decade.

In contrast, the Federal Court of Canada—which has exclusive jurisdiction to hear patent cases—recorded a paltry 21 new cases in 2024 patent infringement proceedings, accounting for only 7.3 percent of all intellectual property IP cases that year (most other cases were trademark or copyright related). Talk about a cultural shift.

Other countries around the world follow a similar pattern of relatively low amount of patent enforcement activity—except more recently for Europe, which has seen a definite pickup since the creation of the Unified Patent Court in June 2023. This would explain why patent-related matters, including the need to own some and to avoid encroaching on those who

DIRECTOR NOMINEE'S RECORD MIXED

After letting everyone speculate about the long-term prospects of acting USPTO director Coke Morgan Stewart, John Squires has been nominated by President Trump to be the next official director of the USPTO (pending confirmation by the U.S. Senate).

Squires currently chairs the Emerging Companies and Intellectual Property practice at Dilworth Paxson LLP, focusing on areas such as artificial intelligence, blockchain and cybersecurity. From 2000 to 2009, he was chief IP counsel at Goldman Sachs, where he is credited for playing a pivotal role in developing strategies for financial technology and risk management.

More on point, he co-founded the Fortress IP Investment fund in 2017, which has been actively engaged in the acquisition and monetization of patent portfolios through licensing and enforcement activities.

Early in his career, Squires actively engaged in discussions surrounding patent rights in the United States. He sided with opposite camps on substantive issues:

- **Injunctive relief:** In 2006, he submitted amicus briefs for the banks supporting elimination of injunctive relief in *eBay*. (Editor's note: That landmark Supreme Court decision, *eBay v. MercExchange*, ruled that an injunction should not be automatically issued based on a finding of patent infringement.)

- **Post-grant proceedings:** In 2007, Squires testified before the Senate Judiciary Committee in support of establishing post-grant proceedings for challenging issued patents at the USPTO. This initiative led to the creation of the PTAB and the *inter partes* review system.

Early in his career, John Squires' actions were on both sides of patent rights.

- **Patent eligibility:** In 2008, he co-authored an amicus brief for the Supreme Court case *Bilski v. Kappos*, advocating for broader patent eligibility standards—particularly concerning inventions related to finance and banking.

Reactions to his nomination have been generally positive by those who focus on his role at Fortress, rather than relying on positions he took two decades ago that could simply have been those of his clients at the time. Others, such as US Inventor, are less enthusiastic, given the above track record.

My prediction is that he is going to be mostly supportive of patent rights, given that he now reports to U.S. Secretary of Commerce Howard Lutnick [holder of more than 400 U.S. patents and 800 worldwide].

already do, have historically been an afterthought in so many countries around the world once you look beyond some local Fortune 500 companies.

Most non-U.S. patent owners are content to claim bragging rights with their inventions and assume their patents will act as a deterrent against others. The problem with this approach is that most companies who sell products of services want to do business in the U.S. market.

The recent tariff war initiated by the current U.S. administration might change some of that with time, but the U.S. market—with 25 percent of the world's economy—will always remain a magnet for most.

Thus, without a sound IP strategy that arms them with some barriers to entry and provides them at the same time with freedom to operate, new entrants to the U.S. market

remain highly vulnerable to cheaper knockoffs (just look on Amazon) and/or to third-party patent assertion claims—whether from a rival or an NPE.

Thus, my advice to clients who want to do business in the United States (and expand internationally) is generally to start very early establishing a multipronged IP strategy that relies on creating several barriers to entry (patents, trade secrets, copyrights, trademarks, contracts, etc.) while making sure in parallel they stay away from infringing anyone's rights until they can afford to defend themselves.



IoT Corner

The ISC2 Cybersecurity Workforce Study reported March 21 that women are increasingly entering the cybersecurity workforce through nontraditional paths.

According to the report, the lack of women in the IT workforce creates unique cybersecurity risks for interconnected devices, networks and more—attributed in part to the areas women prioritize.

Nearly 25 percent of female respondents came into the profession through a non-IT job, compared with 17 percent of male respondents. And 56 percent of women surveyed said their organizations are changing hiring requirements to bring people in from non-cybersecurity backgrounds.



Wunderkinds

Seventeen-year-old high school students **Nicson Yap** and **Ray Shaman** won the gold medal, as well as best invention and innovation award, at the World Youth STEM Invention Innovation

2025 competition in Medan,

Indonesia. They won with Envirogard, an

environmental air risk guidance and alert

system designed to monitor air quality, collect data, and

provide real-time alerts. Nicson and Ray, who have worked

together since 2022, went to Korea to show their invention.



What IS That?

As advertised: a sand timer that runs 5 minutes to help ensure you don't spend too much time, uh, indisposed. Adam and Katie Stephey of Normal, Illinois, pitched this surprising hot seller on "Shark Tank" (Season 12)—a perfect chance for mainstream TV to wallow in more bathroom humor. Mark Cuban swung a deal with them after his initial reaction of "Oh, hell no."

Get Busy!

Plan to visit Atlanta, a hot summertime destination and home to the National Academy of Inventors' annual conference June 23-26. The event will feature a Student Showcase June 24-25, with a cash prize of \$5,000 awarded to the winner in two different age categories.

academyofinventors.org/14-annual-conference

WHAT DO YOU KNOW?

1 Which little-known country is known to have invented April Fool's Day?

- A) Baranga B) Selzoi
- C) Lissola D) Corengheim

2 **True or false:** The exploding scoreboard, which shoots fireworks after every home run and home victory, was invented 65 years ago this month.

3 Which famous inventor died first—Thomas Jefferson, or Ben Franklin?

4 Eddie Van Halen had how many U.S. patents related to guitars?

- A) 1 B) 3
- C) 10 D) 17

5 **True or false:** There have been more than 3,000 U.S. patents granted on umbrella-related inventions.



ANSWERS: 1. None of those are countries. April Fool's! (In 1983, an Associated Press reporter interviewed a Boston University history professor, who told him the day originated during the reign of Constantine and explained the details. The reporter never fact-checked it and wrote the story, which was published. The professor made it all up.) 2. True; Bill Veeck, Chicago White Sox, April 28, 1960. 3. Franklin, 1790; Jefferson, 1826. 4. B. 5. True—and that was as of 2008!

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