Inventors DIGEST

MAY 2025 Volume 41 Issue 05

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AI-POWERED PATENT SEARCHES:

A Game-Changer for Innovators

More opportunity for inventors, and less of an obstacle **BY ERIC PINSTEIN**

For inventors, navigating the patent landscape has traditionally been a challenge.

Accessing the right tools, interpreting complex documents and affording professional searches are hurdles that make it hard for non-experts to know if their idea is new, investible or worth protecting. But with the rise of AI-powered patent search tools, that's changing.

Breaking down barriers

What once required specialized knowledge, expensive software or help from a professional is now possible with intuitive, AI-driven platforms designed to be fast, accessible and user-friendly. These tools use machine learning and natural language processing to analyze patent documents more like a human would—only much faster.

Instead of relying solely on keyword matching, AI understands concepts, context and intent. That means you can enter a plain-language description of your idea and the tool will uncover relevant patents, even if they use different terminology.

This is a game-changer, giving you a confident read on what's out there so you can refine your idea, adjust your strategy or move forward with a patent application or investor pitch.

Finish with the experts

Although AI makes things easier, it's still important to work with a qualified patent attorney or agent when you're ready to file. Legal professionals bring deep expertise in drafting strong patent claims, navigating office actions and advising on strategy.

Think of AI as your starting point for insights. Your legal adviser is the partner to help turn your idea into protected IP.

FIND OUT FAST

1. **Has someone already patented something similar to my idea?** Quickly check existing patents that match your concept, even if they use different language.
2. **What technology already exists in this space, and who is working on similar ideas?** Understand the broader landscape of related innovations and identify key players.
3. **Are there opportunities to improve or differentiate my idea?** Spot gaps in existing patents that could inspire opportunity.
4. **Can I use this information to attract investors?** Use insights to show you've done your due diligence and understand the market.
5. **Is it worth filing a patent application?** Make an informed decision before investing in legal fees.

Eric Pinstein is the chief technology officer co-founder of FluidityIQ, bringing over 25 years' experience driving cutting-edge data and technology innovation across the financial and intellectual property industries. He's worked with leading brokerages, asset managers and data providers to tackle complex challenges and deliver scalable solutions. He has led tech teams at several major firms, including as VP of technology at Clarivate's IP group.

TRADITIONAL SEARCH	AI-POWERED SEARCH
Manual keyword searching	Concept-based searching using plain language
Requires expert knowledge of databases and patent classification codes	Easy to use, even for first-time inventors
High cost for tool subscriptions or professional search services	Affordable and often self-serve
Results can miss relevant patents with different phrasing	AI uncovers more accurate, comprehensive results
Time-consuming	Fast—often under 10 minutes for initial insights

An Inventor's Vision

Jeff Roy's hands-on approach to core innovation tenets shapes the mission of FluidityIQ

Jeff Roy, founder and CEO of FluidityIQ, is on a mission to make AI-driven patent intelligence accessible and affordable for all innovators.

With decades of executive experience at Clarivate and Intercontinental Exchange (NYSE: ICE), he's helped shape the information industry.

His passion for innovation started outdoors. His first invention, inspired by camping, was a hand-crafted multi-tool combining a saw, hatchet and knife for backcountry safety.

In this interview, Jeff discusses how his hands-on approach—from garage-built gear to AI-powered patent tools—informs his perspective on what inventors need to drive smarter, more impactful innovation.

How has your experience as an inventor informed your approach to developing a patent intelligence platform?

Many innovators are small business owners with a big idea to improve the world. In fact, they make up nearly half of the U.S. workforce and contribute over 40 percent of the nation's gross domestic product, according to the U.S. Chamber of Commerce.

Their impact is significant, but so are the challenges they face— including determining whether their idea is worth the investment. A patent search is often the first step in answering this critical question, but this can be expensive and out of reach for small businesses.

That's why we're expanding the FluidityIQ platform to include a low-cost, accessible solution for inventors at the start of their journey. By leveraging our core AI technology, we're building a smarter, more affordable way to help innovators take that first step so more great ideas have a real shot at becoming something big.

What are some of the biggest challenges independent inventors face when navigating the patent system?

Inventors are risk-takers and problem-solvers. Protecting their ideas with a patent matters just as much to them as it does to large companies. But for small innovators, the process can feel far more daunting.

Free tools like those from the USPTO and EPO are great for learning the basics, but a quality patent search is essential from the start. The reality is that free tools often lack the depth and insight needed to make confident, informed decisions.

How does your platform help innovators and those who support them better understand the patent landscape?

FluidityIQ is designed to help innovators innovate. It's intuitive and doesn't require prior patent knowledge for a fast, accurate search.

But we don't stop at finding and summarizing relevant patents. Our platform makes it easy for non-patent experts to understand the world related to their specific innovation. It shows you how the features of your invention compare to claims across the patent universe, highlights what makes your idea unique, and helps you build knowledge to guide your ongoing innovation.

What do you advise inventors who are considering filing a patent with limited resources?

Innovation without the right information can cost you more in the long run. Free search tools often fall short, depending on your goals.

The key is finding tools that fit your budget and support ongoing innovation. Patent research isn't just a box to check before filing; it's an investment. Even after securing rights, ongoing surveillance helps grow your portfolio and strengthen your competitive moat.

Learn more at **fluidityiq.com** or **linkedin.com/company/fluidityiq**.

2 New Features From Us, to You

I never got the Bruce Springsteen thing. Missed the memo on Tom Petty. But Badfinger? Linda Ronstadt? The Replacements? Blink-182? All day and all night long.

Frank Sinatra openly disliked the music of the Beatles, his mid- and late-Sixties rival, predicting they "would die in New York" in 1964. His noted exception was George Harrison's "Something," which he called "the greatest love song of the past 50 years."

Sinatra's grudging respect for the Fab Four, and maybe his need to stay pop-culture relevant, resulted in a little-known gesture in 1968 that could have made intellectual property history: He recorded a one-take birthday song for Ringo Starr's then-wife, Maureen, sung to the tune of "The Lady is a Tramp" but with updated and groovy-clever lyrics. As noted in the detailed February 2023 Inventors Digest Beatles cover package on their IP magical mystery tour, it was the first song to be catalogued by their Apple Records label—but all stamping molds/tapes of Apple 1 were destroyed, and it's doubtful that single, treasured birthday record still exists. (You can hear the mp3 online.)

The Beatles package, which chronicled published accounts on how Michael Jackson betrayed Paul McCartney to get the Beatles' publishing rights, revealed a stunning naivete about the value of IP protections. Today's celebrities—particularly major recording artists—increasingly grasp the value of their publishing rights and have taken major steps to protect and/or profit from them.

This phenomenon has gained worldwide attention. So this month, we begin a recurring mini-feature called "Now Starring: IP," to highlight IP-related news involving the entertainment world—and give readers more context for the urgent importance of this vital but layered and sometimes confusing protection.

"Sometimes confusing" also well characterizes artificial intelligence, an evolving, heavily debated, dynamic force that has a growing role in inventing and innovation. We are addressing this with the monthly "AI ABCs," a primer to help you get a foothold. You'll notice an increasing presence on AI-related matters and services within these pages.

The inventing world has changed so much since I became editor-in-chief here nine years ago. As Sinatra would say, it's cuckoo!

We remain committed to keeping you current on all kinds of inventing-related information you need or just enjoy. Every little thing.

—Reid
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CORRESPONDENCE

Editor's note: The following open letter was written to United States Patent and Trademark Office Acting Director Coke Morgan Stewart, cc'd to U.S. Department of Commerce Secretary Howard Lutnick. Stewart's recent temporary policy change to give the USPTO director more oversight in certain Patent Trial and Appeal Board proceedings is meant to help stem the backlog in patent pendencies and give more options to patent holders whose patents are challenged before the PTAB. (For more, see Page 42.) The letter has been edited for length and clarity.

On behalf of the Innovation Alliance, thank you for your leadership in ensuring Patent Trial and Appeal Board proceedings are "quick and cost-effective alternatives to litigation." Specifically, the Innovation Alliance commends the USPTO, under your leadership, for rescinding the June 21, 2022, USPTO memorandum regarding discretionary denials in PTAB post-grant proceedings ("2022 Memo") and for your March 26, 2025 memorandum clarifying the director's role in oversight of the PTAB ("2025 Memo"). These changes—which provide needed guidance for patent holders and PTAB petitioners—restore certainty and clarity to the process of director review of PTAB petitions.

The 2022 Memo added significant uncertainty to PTAB petitions involving patents subject to parallel federal district court litigation. The memo constrained the USPTO director's statutory discretion to deny such PTAB petitions, declaring that the PTAB will not deny a petition that "presents compelling evidence of unpatentability," even if the petition satisfies the factors that would justify discretionary denial. ...

Rescinding this guidance eliminates the ambiguous "compelling evidence" standard and is consistent with the PTAB's mandate and statutory scheme.

Your 2025 Memo further clarifies the discretionary denial process to ensure patent owners are not subject to unfair and duplicative proceedings in both the PTAB and federal district courts. By bifurcating [dividing into two branches] decisions on whether to institute a PTAB proceeding "between (i) discretionary considerations and (ii) merits and other non-discretionary statutory considerations," your updated guidance expedites the discretionary denial review process . ...

Thank you again for your work to protect inventors and strengthen the PTAB.

Sincerely,
Brian Pomper
Executive director
Innovation Alliance

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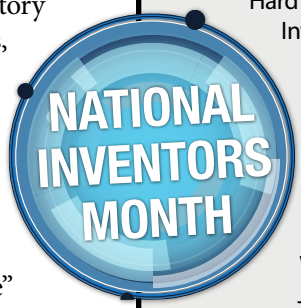
HAPPY 27TH BIRTHDAY!



Hard to believe it has been 27 years since the original National Inventors Month. It was first recognized in August 1998 by the United Inventors Association of the USA, the Academy of Applied Sciences—and *Inventors Digest*.

This national celebration of invention and creativity was originally observed in August but moved to May in 2011 to better coincide with National Hall of Fame induction ceremonies. This year, that ceremony will honor 17 new inductees on May 8 at The Anthem in Washington, D.C.

Join us all month to celebrate inventors and innovators of all kinds. **daysoftheyear.com/days/inventors-month**

INVENTING 101

Conversation Points Can Open New Worlds

BY DON DEBELAK

IN LAST MONTH'S PRIMER, "Making Contacts in Your Target Market," the final call to action was the importance of nurturing your new contacts. Opening discussions is a way to do this.

For inventors who may not have a ready list of questions or comments, consider these—based on the example of a bicycle product for pet owners. Your invention could and should spark even more dialogue.

"Hi, I am the inventor of a bicycle product for pet owners who hopes to launch my product next year at the trade show. I'm trying to get a better understanding of how the industry works and want to ask a few questions.

"How long has your company been in business?

"How did your company start?

"Has your company had any recent new products?

"How does your company sell its products?

"Are there many inventor-led companies in the industry? Are there any that have started within the last five years?

"Are there leading companies in the bike accessory market, or is it dominated by distributors?

"What do you like best about the industry?

"What are some things, if any, about the industry that you don't like?

"What are some of the industry's best new products?

"Do you feel this is a good time to be introducing a new product? Why, or why not?

"Can you tell me about any products that were licensed by a company from an inventor?"

Then, ask questions that flow from your conversation. You will be on your way to a regular contact and a relationship that can benefit both of you.

VITAL VOCABULARY

Non-practicing entities

Also called **NPEs**, these are people or companies that amass patents but have little or no intention of further developing them. They use licensing or litigation to monetize their patents—the latter a practice derided as "patent trolling" because the only focus is using patents as leverage to make money off others in court.

Not all NPEs are patent trolls. A 2017 Stanford Law School report cited "debates over whether NPEs are inherently problematic or whether the real problem consists of entities (practicing or not) that assert weak patents."

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.

What Can You Trademark?

WHAAT? You can trademark a sound? Even a smell?

Yes. The United States Patent and Trademark Office's guidance here is helpful, albeit incomplete: "A trademark can be any word, phrase, symbol, design, or a combination of these things that identifies your goods or services. It's how customers recognize you in the marketplace and distinguish you from your competitors.

"The word 'trademark' can refer to both trademarks and service marks. A trademark is used for goods, while a service mark is used for services."

Pretty much anything that uniquely identifies your product or service is fair game.

Items most commonly trademarked are product and business names, logos and slogans. But a color combination, which can be a key element in branding (such as the red and white in Coca-Cola), can also be trademarked. So can a sound, such as the NBC chimes; or a smell, such as Hasbro's Play-Doh (trademarked in 2018).

The patent office reminds that having a trademark does not mean you legally own a particular word, phrase, color, etc., and can prevent others from using it. It does prevent others from using your trademarked term for commercial purposes without providing compensation.

One of the most famous recent trademarks is the sports term "threepeat," by former NBA coach Pat Riley. Even then, there are some who believe there should be no trademark because it has become so generic.

A personal name can be trademarked as well. The long list of celebrities having done so includes Donald Trump, Taylor Swift, Bruce Springsteen, Lady Gaga and Kim Kardashian. That said, given the countless times these names are mentioned by for-profit entities on a daily basis, enforcement of perceived mark violations has to be selective.

FREE ONLINE HELP

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

You can watch a series of short videos to learn more about the program. For details, visit www.uspto.gov/ProBonoPatents. Or email probono@uspto.gov.

Register today for the third virtual event on product development in the **Successful Inventing** series for 2025, "Licensing your product or concept," presented by the USPTO and the Licensing Executives Society-Silicon Valley Chapter. The session, May 10 from 1:30 to 3 p.m. ET, addresses topics including whether to license or manufacture; royalties; companies to approach; and more. For details, visit www.uspto.gov/about-us/events/successful-inventing.

GOOD TO KNOW

The USPTO is introducing a modern identity verification platform called **ID.me** to Patent Center users. The goal is to further simplify the application process and bolster enforcement against outside threats.

Verification can be completed entirely online, eliminating the need for a notary and resulting in fewer extraneous customer costs. ID.me substantially expedites the verification process, enabling users to complete identity verification within 30 minutes. Customers using ID.me can then self-enroll into Patent Center and immediately begin using all available features.

Identification verification through ID.me is voluntary. Customers still have the option to mail a Patent Electronic Verification form to become a new Patent Center authenticated user. For details, go to the uspto.gov homepage and see Latest News.

Rats Experiment

IN THE 1975 WORLD SERIES 50 YEARS AGO, AN EPIC MEETING OF INNOVATION AND SERENDIPITY CHANGED TV SPORTS FOREVER

BY REID CREAGER

WHO REALLY wants to argue with Denzel Washington?

"D" has said, "Luck is when an opportunity comes along and you're prepared for it." That premise was especially relevant 50 years ago during perhaps the greatest World Series ever played, even if it involved the hated rival of his beloved Yankees.

The Series' signature moment—a game-ending, 12th-inning home run by Boston Red Sox catcher Carlton Fisk that tied the seven-game series at three apiece—was so powerful that many still claim the deciding Game 7 the next day was a footnote. (It wasn't for Cincinnati Reds fans who had suffered championship near misses in 1970, 1972 and 1973.)

But you don't have to be a sports fan to appreciate the story behind the story on the Fisk home run, and how in-the-moment innovation and a strange sequence of serendipity married in a shocking instant to create a sports memory that for millions is a bridesmaid to none.

This is not a story about a patented, trademarked or copyrighted invention or process. It is a story about the intangible yet powerful impact of innovative instinct when the timing is right.

Slow to change

There's a curious charm to watching baseball from 50 years ago: the joy and quiet passion, with an unspoken commitment to celebrations conducted in a sportsmanlike way; a game where the baselines belonged to the runner per the game's original intent, with no handwringing about potential injury for overpaid franchise investments who drive up ticket prices; pride in a unique product with no clocks or time limits of any kind; style misadventures via elastic waistbands and some historically garish uniforms; sterile, cavernous, carpeted, cookie-cutter stadiums.

For many, Major League Baseball's strength was in its generally comfortable sameness from year to year, with occasional trends including metric conversions on outfield fences failing as often as they succeeded.

Technological innovation in televised games reflected this pattern, showing little publicly seen advancement over decades. A camera behind home plate remained the longstanding view for pitches, although shots from a camera in center field had recently provided an important added angle—particularly for judging the accuracy of ball-and-strike calls.

But on October 21, 1975, an innovative whim by an unknown cameraman uncomfortably lodged inside a dirty, hollowed but hallowed scoreboard in left field at Boston's storied Fenway Park—and perhaps spurred by an annoyingly persistent rat—changed everything.

A sport-saving 4 hours?

It's ironic that as today's MLB busies itself with hurry-up measures like pitch clocks and limits on throws to first base and the T-ball-like practice of putting a runner on second base to limit the number of extra innings, The Game That Might Have Saved Baseball was a 12-inning, 4-hour and 1-minute nail-biter steeped in slow-evolving drama.

With diminished scoring, labor strife and Golden Era behemoths like Willie Mays, Mickey Mantle, Roberto Clemente and Sandy Koufax long gone, MLB attendance was sagging. The National Football League was on its way to taking over as America's pastime.

The '75 World Series, featuring two star-studded rosters, offered hope and new intrigue that snowballed as the showdown progressed.

Following victories in two of three straight one-run games, the Reds won Game 5 on October 16 for a 3-2 Series lead. The teams flew back to Boston for a workout day on the 17th.

Fans held their breath as a pounding autumn rain postponed the scheduled October 18th game. And the 19th. And the 20th.

The Reds had not won a World Series in 35 years. The Red Sox had not won one in 57. Rain could not stop a football or basketball game. But the singularly unpredictable rhythm and conditions of baseball meant delay after delay after delay, ratcheting up the drama.

When play finally resumed that Tuesday night—the prime-time game start after such anticipation was a stroke of genius—the Red Sox took a 3-0 first-inning lead. But the Reds rallied for six unanswered runs, featuring a two-run triple by Ken Griffey in the fifth inning on which Sox centerfielder Fred Lynn slammed his back awkwardly against the wall and lay still for several moments.

With a strong Reds relief corps ready to get the final five outs in the eighth inning, the game and Series looked to be over.

But Boston tied it on a three-run homer to straightaway centerfield by pinch-hitter Bernie Carbo, who: 1) almost struck out earlier in the at-bat, swinging like a rusty gate on a pitch that badly fooled him; 2) was once a golden boy for

The iconic shot of Boston's Carlton Fisk jumping and wildly trying to wave his 12th-inning home run into fair territory was not seen by national TV viewers until 2 minutes after it happened, via instant replay. Legend has it that cameraman Lou Gerard's preference to keep focused on Fisk's reaction was in part caused by a rat next to him inside the Fenway Park scoreboard that prevented him from turning his camera.

This is not a story about a patented, trademarked or copyrighted invention or process. It is a story about the intangible yet powerful impact of innovative instinct when the timing is right.

the Reds but was traded due to his decades-long struggle with alcohol and drugs.

The Red Sox seemed poised to win in the bottom of the ninth when they loaded the bases with none out. But the Reds squeaked through thanks to a great throw home by left fielder George Foster (not known for this skill) and an artful tag by catcher Johnny Bench that eventually forced extra innings.

More drama.

The Reds advanced a runner to second in the 10th inning on merit—not assigned there by hurry-up rules—but could not score him.

More drama.

A leaping catch at the wall in the 11th inning by Dwight Evans started a double play that again prevented the Reds from taking the lead.

More drama.

Another Reds runner to second in the top of the 12th. Could not score him.

More drama.

In the bottom of the 12th, tension was at a fever pitch. Both pitching staffs had been virtually emptied. The weakest link on the Reds' staff, Pat Darcy, was running on fumes. After a wild-high ball one, he chucked a flat nothing around knee level.

Fisk wasted no time.

Instant replay history

The soaring drive definitely had home run depth; the only question was whether it would stay inside the foul pole for a home run or bend outside for a meaningless strike.

Reaching a storybook dramatic apex, it did neither—instead hitting the pole for a game-ending home run as the ballpark rocked with thunder. Live NBC cameras from centerfield showed Fisk's swing, then switched to the flight of the ball hitting the pole and the catcher clapping his hands like a child as he jumped around the bases.

(In an excellent 2015 piece on the event, Sports Illustrated's Tom Verducci referenced how the live shot followed the ball bouncing high off the foul pole and to the ground near the Reds' Foster. Other reports say the ball landed at his feet. Neither is true: Foster made a backhand catch on the richochet off the foul pole, all for naught. He auctioned the baseball for over $113,000 in 1999.)

It wasn't until more than 2 minutes later that America got the best view of the home run, through instant replay. From Verducci:

"[NBC-TV Sports Director Harry] Coyle punched up the replay from the camera, which was operated by Lou Gerard. Two minutes and 11 seconds had passed since Fisk hit the home run.

Pandemonium engulfs Carlton Fisk as he arrives at home plate. Even though his Red Sox lost the World Series the next day, this Game 6 moment endures in what some call the most memorable baseball TV broadcast of all time—a distinction aided greatly by the unofficial debut of the "reaction shot."

Finally, the world saw it: an isolation shot of Fisk as the ball was in the air. Three times Fisk waved with his arms to his right, trying to semaphore the baseball fair. When he saw it hit the foul pole, Fisk jumped in delight and then jumped again. Coyle froze the shot on Fisk's second jump."

Here's where the serendipity comes in—with a story about rats that is half truth, half legend.

There is little question in any account that Gerard was besieged by rats at his post. But the popular story, never verified, is that he only got the reaction shot because the proximity of the huge rodent rendered him afraid to swing his camera to follow the flight of the ball. So he asked his director if he could keep the camera on Fisk.

Previously, baseball TV broadcasts almost always followed the ball—not the player's reaction. It's perfectly plausible that Coyle, renowned as an innovator during his 42 years of overseeing TV baseball coverage, would OK any reasonable new idea whether a rat was changing the equation or not.

Regardless, the Fisk footage marked the unofficial birth of the sports TV reaction shot and changed the game's coverage forever. Verducci called Game 6 the most influential TV broadcast in baseball history.

The rattled-by-a-rat version of the story is compelling. But it's easy to understand how the legend could grow through the decades.

Michael Weisman, then Coyle's assistant, told Verducci:

"Wink, wink. First it was a rat by his foot, then after a couple of years it was a rat on his shoulder, and then it was a rat under his hat eating a ham sandwich ... Just one of the rumors and the wives' tales and the exaggerations that came out of the game."

INVENTOR ARCHIVES: MAY

May 17, 1940: American computer scientist **Alan Kay**, a visionary in the discipline and considered by some to be the "father of personal computers," was born.

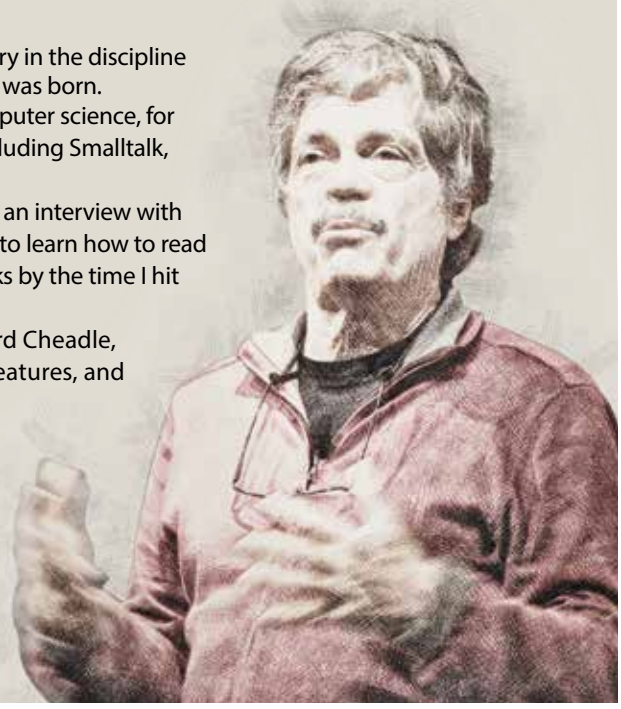
Kay won the 2003 A.M. Turing Award, the highest honor in computer science, for his contributions to object-oriented programming languages, including Smalltalk, and to personal computing.

Kay grew up in an environment of art, literature, and science. In an interview with the Davis Group Ltd., he said, "I had the misfortune or the fortune to learn how to read fluently starting about the age of 3, so I had read maybe 150 books by the time I hit first grade. And I already knew the teachers were lying tome."

He became a programmer in the Air Force. Later, with Edward Cheadle, he designed FLEX, which had sharp graphics and windowing features, and was called a "personal computer."

While working on FLEX, Kay witnessed Douglas Engelbart's demonstration of interactive computing designed to support collaborative work groups. Engelbart is best known for inventing the computer mouse.

Kay later became a researcher at the Stanford Artificial Intelligence Laboratory and developed programming languages. He began to think of a future with book-sized computers and was particularly interested in how children would use them



Getting a Feel for Stories and Reels

THE BEST WAYS TO LEVERAGE INSTAGRAM'S PLATFORM AND ITS INTERACTIVE FEATURES **BY ELIZABETH BREEDLOVE**

INSTAGRAM STORIES and Reels provide dynamic, engaging ways to share your invention's story, educate potential customers and drive sales.

By leveraging behind-the-scenes content, interactive features native to Instagram and unique storytelling techniques, you can build brand awareness. Start by experimenting with different formats, track what resonates with your audience and refine your strategy to maximize your invention's impact on Instagram.

Stories and Reels offer unique advantages.

Stories disappear after 24 hours (unless saved in Highlights), creating a sense of urgency and exclusivity. Reels, on the other hand, are short, highly engaging videos that can reach a broader audience beyond your existing followers through Instagram's Explore page algorithm.

Both formats allow for interest-grabbing or interactive elements such as polls, Q&As, music and stickers, increasing viewer engagement.

Using Instagram Stories

Document the invention process. Audiences love behind-the-scenes content. Use Instagram Stories to show sketches, prototypes or 3D models of your invention. Share snippets of the development process, from concept to final product, or record quick interviews discussing challenges and breakthroughs.

Adding text overlays or voiceovers can help explain what's happening in each clip, leading to an impactful video that makes your invention's journey more relatable.

Conduct live Q&A sessions. Going live on Instagram is a great way to interact with your audience in real time. Hosting a live Q&A allows followers to ask about your invention, its features and your inspiration for creating it.

Announce the live session in advance through Stories to generate interest. Use the question sticker feature before going live to collect queries and encourage engagement. During the session, demonstrate the product in action to help potential customers see how it works and understand its value.

Use polls, quizzes and countdowns. Interactive elements help keep your audience engaged.

Ask your audience to vote on colors, features or future updates. Quizzes are a fun way to test their knowledge about the problem your invention solves, or about your brand. Countdowns can be added to build excitement for a product launch or another special announcement.

Share customer testimonials and reviews. Use Stories to share screenshots of positive customer reviews, short video testimonials from satisfied users, and before-and-after clips showing how your invention improves lives. Content like this strengthens your credibility and trustworthiness. Pinning these to your Story Highlights ensures that new visitors can see them anytime.

Using Instagram Reels

Create a product demo. Reels are perfect for quick, engaging product demonstrations. Show your invention in action with a step-by-step guide on how to use it, or create a problem-and-solution style video that highlights the benefits of using your product.

Another creative approach is a video illustrating what life was like before versus after using

Both formats allow for interest-grabbing or interactive elements such as polls, Q&As, music and stickers, increasing viewer engagement.

your invention. These formats help potential buyers quickly grasp how your product works and why it offers value to them.

Tell your founder story. Sharing your journey as an inventor can be compelling. Create a Reel that explains the inspiration behind your invention, and talk about the obstacles you faced and how you overcame them. You could also show a day in your life as an entrepreneur, giving viewers a glimpse into your world.

This type of personal storytelling through Reels helps humanize your brand and build a stronger emotional connection with your audience.

Leverage trends and music. Instagram's algorithm favors content that aligns with current trends. Instagram makes it easy to tap into viral trends by using trending sounds and music in your Reels.

Participating in challenges or using popular hashtags can further expand your reach. Incorporating humor or relatable moments in your videos can also make your content more shareable. Staying on top of trends helps you stay relevant and increases the likelihood of your content being discovered by new audiences.

Collaborate with influencers and niche experts. Relevant influencers or industry experts can feature your invention in their Reels, provide an unbiased review or testimonial, or show creative use cases for your product. Influencers bring credibility and exposure, helping you connect with audiences already interested in your niche.

Run giveaways and contests. Encouraging user-generated content through giveaways is a great way to boost engagement. Ask followers to create their own Reels using your invention, share why they want to try your product, or tag friends for a chance to win a free item.

Giveaways can increase visibility and create excitement and buzz around your invention.

Best practices

- Posting consistently is key to keeping your audience engaged. Try posting to Stories daily, and post at least two to three Reels per week.
- Using relevant hashtags such as #invention, #innovation and #newproduct can help boost discoverability.
- Monitor Instagram Insights to track engagement and optimize your content strategy by focusing on your best performing content.
- Foster a sense of community and encourage interaction by asking open-ended questions in captions and replying to comments in a timely manner.

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.

Cute to a Tee

GOLF PRO'S INVENTION DESIGNED FOR KIDS (BUT USED BY ALL) TO HELP MAKE THE GAME FUN **BY EDITH G. TOLCHIN**

EMILY BURNS of Batavia, Illinois, is a golf professional whose motto is "Make golf fun." Her novelty invention, Squishtees, is meant to help kids (and really, anyone) become interested in golfing.

Edith G. Tolchin (EGT): Please tell us about your background and your family.
Emily Burns (EB): I am the creator and owner of Squishtees, an LPGA member and the head golf professional at Cantigny Youth Links in Wheaton, Illinois. I reside with my husband, David, and our three kids. Together we are a golfing family: David is a PGA member and general manager at Geneva Golf Club.

EGT: Your experience as a golf coach seems to have influenced your invention. Do you coach both children and adults?
EB: My position as an LPGA instructor and golf professional at a children's facility placed me in an environment that is surrounded by mostly kids. While I do teach adults, typically my lesson book gets filled with junior programs most of the year.

Squishtees are made of a soft, squishy polyfoam material that has a center hole for the placement of the golf tee.

My approach as an instructor is to make golf fun. The bulk of my students are new to the game, and often I am their first experience with the sport. Golf is a difficult sport; teaching kids at this beginner level and age has its challenges!

While teaching my students, I was inspired to develop and design Squishtees. In fact, the first protypes were made with the help of my students. To this day, all new Squishtees in the collection still are approved prior to manufacturing by my students. It's a must.

EGT: What are Squishtees, and from what are they made?
EB: The game of golf has grown tremendously over the years, with the largest growth being juniors. While teaching my students, I found a need for a fresh, fun golf tee. I researched junior golf tees and found little options on the market.

I began taking my sons' toys and using them as tee accessories, drilling holes into foam figures. When I saw the need and want from my students for such an item and with little else on the market for this, Squishtees was developed.

I knew that kids loved soft and squishy items and that they liked to collect things. The result was a soft, squishy polyfoam material that has a center hole in them for golf tees to slide into. Using this trendy, slow-rising foam offers golfers a familiar object to use alongside golf tees, as well as helps protect golf tees, making them easier to find and pick up after hitting.

EGT: How do you use them? Are they a novelty to encourage children to get involved in the sport?
EB: Squishtees have a center hole going through them that any traditional golf tee fits into. Golf is hard! Encouraging kids and showing them relatable objects has been a wonderful addition for my students, and the feedback from LPGA/PGA instructors who incorporate them into their lessons has been extremely positive.

Squishtees are used in many ways. Players use them while practicing or playing on the course.

As an instructor, I use them on the putting green as targets to hit. On the chipping green, they can be added as targets to hit over, and for the longer shots I have used them as a tool to hit! The cupcake Squishtees are great for students to hit, and I can stand in front to catch them.

"Who wouldn't want to hit a golf ball off a Star Wars or Minions character? How cool would that be?"—EMILY BURNS

EGT: How many different types are you selling?
EB: At the moment, I have 11 Squishtees in the lineup and more in the works to launch and grow.

EGT: Have you had any difficulties with your suppliers, or any logistics issues?
EB: Squishtees launched in 2021. As I began the company, I reached out to hundreds of manufacturers in the USA and worldwide, which came with its challenges.

I was on the phone explaining to companies about my product, vision, and how it's used. There were a lot of "we will get back to you" phone calls. I was determined to find a company that not only agreed to help me but also saw my vision.

And the shipping was no easier! Needing low minimums, creating vector files, 3D files, purchasing molds, choosing Pantone colors—this was all very new to me. And they all came with lots of decisions to be made. Each and every one I chose for the kids, and to enhance a difficult game to make golf fun.

EGT: Where are you selling Squishtees? Website, retail, Amazon? Pricing?
EB: Squishtees are sold through our website, Amazon, Scheels and at hundreds of golf and country clubs worldwide. We have been represented in events such as the BMW PGA Championship (with a sellout prior to the weekend play). Our largest groups that we sell to are LPGA and PGA instructors who use them in their junior golf programs.

Our pricing is $14 for a two-pack and $19 for a variety pack of three.

EGT: How has the patenting process been?
EB: When I started my invention process, I was overwhelmed! The entire process scared me; I wouldn't have a conversation with anyone without a signed nondisclosure agreement.

I filed a trademark and provisional patent application on my ideas as soon as I drew my first sketches. Since then, my trademark for Squishtees has been granted and I am in the patent-pending process.

PHOTOS COURTESY OF SQUISHTEES

The lineup for Squishtees, which can also be a collectible, is at 11 and growing.

I would be lying if I told you it wasn't challenging. The resources that the USPTO office offer as a pro-se filer are amazing, from the illustrations to the claims.

Filing was all a challenge, yet I am extremely proud that I wrote the patent all on my own. If I can do it, anyone can and should.

EGT: What's next for your company?

EB: Squishtees continues to grow and expand! I am experimenting with rubber 3D printing. This will allow me to create deeper detailed tees and hopefully lower production costs.

My future goal is to be granted licensing rights with other established brands. Who wouldn't want to hit a golf ball off a Star Wars or Minions character? How cool would that be?

I am always exploring additional ways to enhance Squishtees and have begun working with TPU, a rubbery material—which will allow for me to provide more detail, a different manufacturing process and widen the line we currently offer.

EGT: What advice can you give about inventing and product development?

EB: My advice would be to find your goal and laser focus in on it, never giving up even when you hit your low.

Use your mistakes as lane changes; put your heart into your product.

Details: Squishtees.com, emilyburnsgolf.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).

Good News Comes in 3s

A **NEW** husband**.** A new product launch. A new honor for her invention that reflects her hard work and love for animals, manifested through her health and wellness lifestyle brand for pets.

It's all happened for SwiftPaws inventor Meghan Wolfgram of Malabar, Florida, since her CHASE! exercise product was featured on the February 2024 cover of *Inventors Digest*.

Wolfgram had won Lori Greiner's "Golden Ticket" during Season 13 of "Shark Tank" for her popular lure coursing invention for dogs. I met Wolfgram when she, along with 24 other women entrepreneurs, worked with me on my book "Secrets of Successful Women Inventors" in 2023.

SwiftPaws (created in 2012) is based at Groundswell Startups, a nonprofit co-working space and startup incubator in the Melbourne, Florida, area. They now have partnerships with many local businesses.

Wolfgram married Joshua Karp last August, with a license "witnessed" via paw print by her dog, Piper—a SwiftPaws model on "Shark Tank" in 2022.

"Our biggest product news is the launch of Pounce!—our new version for cats," she said. It's an interactive enrichment toy that mimics a cat's natural hunting instincts. The product, which uses unpredictable movements to keep cats engaged and active, should reach customers later this year.

She says pet enrichment is finally gaining the attention it deserves, as more people recognize the importance of providing pets with healthy outlets for their energy and natural instincts.

Wolfgram's original product also won "Best in Show" for the Pet Tech Innovations category at the Global Pet Expo, March 26-28 in Orlando. The show brought together over 17,000 attendees and 1,100-plus exhibitors.

She continues to work with "Shark" Lori Greiner three years later. "Lori has mentored me from the start to focus on designing future products to be as affordable and accessible as possible, so that more people and their pets will be able to enjoy this type of enrichment. She's always encouraged me to push boundaries, to innovate, and to never stop working on new ideas.

Greiner returned the compliment: "SwiftPaws first won my Golden Ticket on 'Shark Tank,' and now again, it's Best in Show. I couldn't be more proud of Meghan and the whole SwiftPaws team!"

—Edith G. Tolchin

ROCKIN' ROLE

U.S. PATENTS ARE CONNECTED TO SOME OF THE MOST UNUSUAL—AND CURIOUS—INVENTIONS IN POP/ROCK HISTORY

THE UNITED STATES PATENT AND TRADEMARK OFFICE WASTED NO TIME. The same day music legend Prince died of a reported drug overdose—April 21, 2016—the USPTO tweeted images from his July 26, 1994 design patent for the Purpleaxxe, a keytar (combination keyboard and guitar). The post celebrated the innovative genius emblematic of a musician/entertainer whose works were so varied and creative, they defied characterization.

Prince R. Nelson's Purpleaxxe was huge in size, but not impact: cumbersome, unwieldy, even called a "monstrosity" by some. However, the novelty status of the instrument resulting in U.S. design patent No. 349,127—and its relatively short-lived existence—make it the most compelling of all the rock patents covered in these next several pages. *—Reid Creager*

Prince

U.S. Design Patent No. 349,127

"Can I play my guitar now?" Prince asked the delirious crowd during his 1999 "Live at Paisley Park" concert.

He didn't ask if he could play his keytar. The ink on the Purpleaxxe patent was dry for five years at this point, but his creation was nowhere to be seen.

This particular keyboard-guitar hybrid—inspired by the glyph that served as Prince's name for much of the 1990s and featuring a curvy purple design with two pitchfork spikes as the end—was obviously intended as eye candy for live events, especially given its heft. According to Lemelson-MIT, "The 'Purpleaxxe' allows a player to move around the stage while playing as opposed to sitting, crouched over a traditional keyboard."

What was inside the instrument? We don't know. The patent application for "Portable, electronic keyboard musical instrument," filed January 16, 1992, lists six different views of the design with no mention of anything else (a design patent does not require the detailed explanation of a utility patent). It is classified as a type of keyboard.

Some sites and publications, including *The Atlantic*, say the Purpleaxxe was created for Tommy Barbarella (also known as Thomas Elm), keyboardist for Prince's 1990s band New Power Generation. But this hasn't been verified, and in Barbarella's many interviews about his time with the band he has never confirmed this or even talked much about the instrument. (He did say once: "We were pushing technology to the brink.")

Though Barbarella is said to have played the Purpleaxxe often during Nineties live shows, footage showing it in action is relatively rare—ironically due in part to Prince's fierce protection of intellectual property throughout his career. Not long before his death, he pulled his songs

Prince was a zealous protector of his intellectual property rights throughout his life. In the years since his 2016 death, some of his heirs and former business advisers have been locked in IP-related litigation.

from Spotify and YouTube due to what he said was unfair compensation. He also filed a $22 million lawsuit against people who posted his live shows on social media before dropping it.

Barbarella is seen playing the Purpleaxxe, off to the right of the stage, during the New Power Generation's performance of "Get Wild" for a UK "Top of the Pops" show in 1995. There is a close-up of the instrument at the 2:24 mark in the video that lasts less than a full second.

It has been said that Prince never played the Purpleaxxe in concert, with one fan laying claim to that misinformation on the site prince-org: "Prince, of course, didn't inflict the ungainly shoulder-mounted funk launcher on his own frame—he made his then-keyboardist Tommy Elm play it."

Not true. Prince displayed mastery of his creation during a jazzy instrumental at "Rave UN2 The New Year 1999"; you can see it at youtube.com/watch?v=WW6V15U3ErU.

But the Purpleaxxe is noticeably absent in many other Prince concert clips from the 1990s, furthering the notion that it was little more than a whim. The lapsing of the design patent in 2008 reinforces this.

Hardcore fans may know that the Purpleaxxe is mentioned in various liner notes on Prince's albums, as well as the lyrics to a B-side remix on an out-of-print CD single from 1992. Yet he's better known for playing instruments that look less like a glorified accordion and more like transformative strokes of design art—an iconic cloud guitar made by Dave Rusan; the Model C and Love Symbol guitars by Jerry Auerswald; the Purple Special Guitar, or G1 PSG, by Simon Farmer.

In an interview promoting the Rave UN2 concert on the eve of the millennial, a bored-looking Prince almost whispered: "When I want new music, I just usually make it myself."

That's exactly what he did with singularly powerful and evocative sound stylings, stage shows and instruments, constantly imagining what needed to be next as quickly as he created them.

Prince rarely played his Purpleaxxe—a wearable combination guitar and keyboard, or keytar—onstage, and tahere is little public footage of anyone playing it. It was said to have been made for Tommy Barbarella, a keyboardist in his New Power Generation group.

The notion that the Purpleaxxe was little more than a whim is reinforced by the fact that the design patent was allowed to lapse in 2008.

Michael Jackson

U.S. Patent No. 5,255,452

Those who recall the *Inventors Digest* February 2023 cover story on the Beatles' intellectual property disasters know that the former King of Pop took IP very seriously.

Jackson, who turned on his friend Paul McCartney with a successful late bid to claim the Beatles' publishing rights in 1985, was well known for his moonwalk dance step. He first performed it nationally during a Motown 25th anniversary TV special on March 25, 1983, while singing his blockbuster hit "Billie Jean."

(Lemelson-MIT says the moonwalk originated with soul singer James Brown, but other sources say it was invented by tap dancer Bill Bailey.) The moonwalk furor led to U.S. Patent No. 5,255,452—"Method and means for creating anti-gravity illusion," specially designed shoes that gave the illusion of leaning beyond his center of gravity. The dance move was not patented.

The device was created for Jackson's MTV music video, "Smooth Criminal." Jackson applied for the patent on June 29, 1992. It was granted on October 26, 1993; he's one of three listed co-inventors.

The description says: "This invention relates more particularly to the creation of such illusion by means of specialized footwear and accessories therefor. [sic] The specialized footwear is provided with means for engagement with a movably protrudable hitch or post which allows the entertainer to lean forward on a stage at a very acute angle relative to the stage floor to achieve the illusion of defying gravity."

The shoe—a collaboration with Jackson's costume designer, Dennis Tompkins—had a slot in the heel region. The slot was designed to engage with a peg that could be raised and lowered through the stage when required. When the heel engaged with the peg, Jackson could lean forward into the attached ankle straps.

In a little-reported footnote on the invention, Jackson was nearly injured when the heel came loose during a performance in Moscow in 1996. The shoe was reworked. Eventually, Jackson's shoes were auctioned for $600,000 and displayed at the Hard Rock Cafe in Moscow.

Lemelson-MIT Director Art Molella wrote of Jackson that "Perhaps being certified by the U.S. Patent and Trademark Office as a bona fide inventor conferred a kind of status and satisfaction that even Hollywood could not bestow."

The patent expired on June 29, 2012, three years and four days after Jackson's death.

"Method and means for creating anti-gravity illusion" described shoes that gave the illusion of leaning beyond the center of gravity. The dance move was not patented.

Michael Jackson's specially designed shoes had to be reworked after a heel came loose during a performance in Moscow in 1996.

Eddie Van Halen

5 U.S. patents, 1987-2018

In terms of quantity and utility for musicians, it's not a "Jump" to say the longtime guitar wizard is the king of rock patent holders.

Matthew Dessem of slate.com wrote on the day Van Halen died—October 6, 2020—that he left behind "a legacy of virtuoso guitar work and the single greatest patent illustration ever filed."

Dessem referred to the illustration with U.S. Patent No. 4,656,917. "Musician instrument support" was granted on April 14, 1987 (expired in 2005), with Van Halen the sole named patentee. It shows a long-haired rocker jamming with two hands.

The description, or Abstract, says: "The supporting device is constructed and arranged for supporting the musical instrument on the player to permit total freedom of the player's hands to play the instrument in a completely new way, thus allowing the player to create new techniques and sounds previously unknown to any player. The device, when in its operational position, has a plate which rests upon the player's leg leaving both hands free to explore the musical instrument as never before."

Lemelson-MIT wrote how the invention facilitated musical techniques that became hallmarks in the band's sound: "This contraption allows the musician to use a tapping technique by playing the guitar in a manner similar to the piano with the face of the guitar facing upward instead of forward. The device gave Van Halen the freedom to create new sounds and techniques that catapulted his band's success."

Van Halen was also the sole named inventor on U.S. Patent No. 7,183,475, "Stringed instrument with adjustable string tension control," granted on February 27, 2007. It says: "A tension adjustment mechanism for a stringed musical instrument suitable for use on a tailpiece assembly comprises a pivoting member (such as a string receptor), an adjustable stop, and a lever handle engaged with the pivoting member."

He got companion patents—one for utility, the other for design—in 2018 involving humbucking. A humbucker is a kind of electric guitar pickup that uses two coils wired in opposite polarity to cancel noise and hum. Design Patent No. 817,385 was issued on May 8; the utility patent, No. 10,115,383, was granted on October 30.

Van Halen also received Design Patent No. 388,117 for a guitar peghead on December 23, 1997.

Wes Austin, a Utah lawyer and standup comedian—yes, you read that correctly—posted an informative video discussing Van Halen's five patents. He claims to be the only patent attorney who has done so.

He also worked 15 Van Halen song titles into his presentation. We are glad he is the only one who has done so.

U.S. Patent No. 4,656,917, "Musician instrument support," was granted on April 14, 1987 and expired in 2005. One written account of the accompanying illustration called it the greatest one ever filed.

Tom Scholz

30-plus U.S. patents

Scholz, who produced much of Boston's iconic debut album in his basement, formed a company that designed and manufactured revolutionary music technology products.

The founder and former frontman for the 1970s band Boston is the most anonymous rock star patent holder you want to know about.

A technological genius, Scholz got his first patent in 1972 at age 25 after writing his MIT mechanical engineering thesis about a pair of simple A-frame hoists that made it possible to assemble prefabricated homes without a crane. By 1976, he was a product design engineer working on audio electronics and tape-recording technology at Polaroid, owning 11 patents—and a self-described "horrible employee" because he was preoccupied with writing and making music in his basement.

Record labels constantly rejected him, in part due to their preference that he record in a professional studio. But virtually all of Boston's debut album, one of the most successful in rock history, was recorded in that basement. As a one-man band.

In the early Eighties, he founded Scholz Research & Development in Waltham, Massachusetts, which designed and manufactured numerous revolutionary music technology products. Scholz filed many patent applications related to these effects and accessories.

They began with the Power Soak, said to be the first guitar amplifier attenuator to be produced commercially. This allowed guitarists, in the words of sweetwater.com, "to crank their tube amps to the point of saturation while maintaining a reasonably low volume level."

The Rockman came in 1982, "a portable headphone guitar amplifier with built-in effects and an integrated amplifier simulator. The Rockman included Distortion, Edge, two Clean modes, and echo and chorus effects. The guitar tones produced by the Rockman were voiced similarly to those Scholz used on Boston's albums, giving them a studio-quality sheen that sounded amazing through headphones." Rockmans are now collectors' items.

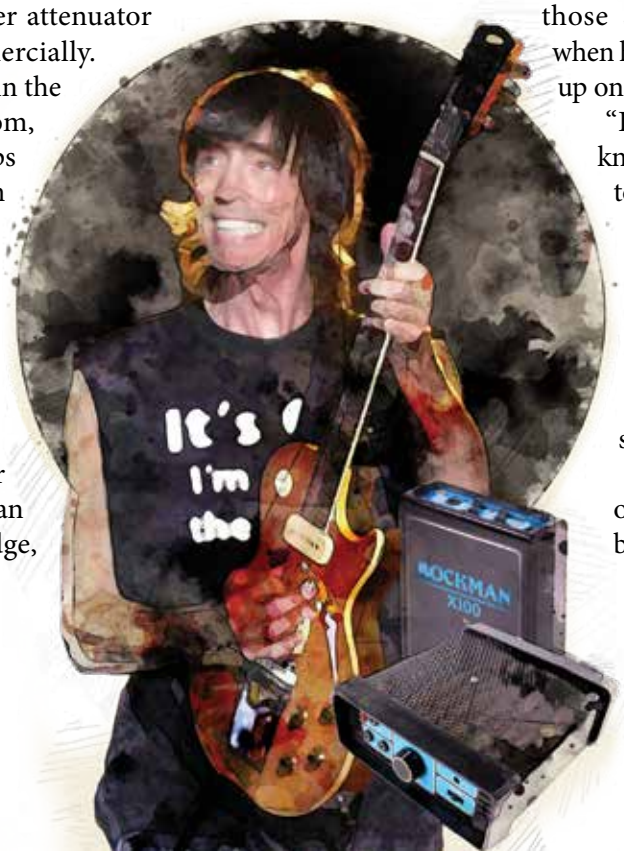
It's not known how many patents Scholz has—reports range from 30 to 36—or precisely how many involve music. His net worth is said to exceed $100 million; he gives many of his invention proceeds to charity.

Lately, the 78-year-old Scholz has continued his love for "extreme croquet," typically played on challenging terrain without the usual out-of-bounds rules, and designing and flying high-performance, radio-controlled airplanes.

He told MIT Technology Review about those shaky early days when he was ready to give up on a music career.

"I thought, 'You know what? I'm going to make one more demo, and it's going to be just exactly the way I see it, and the way I want to hear it, and I'm going to play every single part.'

"And that worked, oddly enough. It's been a wild ride."



Scholz founded a research and development company in the early 1980s.

BRIGHT IDEAS

Falcon Mini

V-SHAPED BI-COPTER

vcopter.com

Its makers say Falcon Mini is the world's first V-shaped bi-copter under 250g. Traditional drones need four propellers to maintain balance; this one uses only two.

Proprietary tilt-rotor controls and twin servo motors precisely adjust the angles of the propellers—achieving a 0.01-degree rotor angle accuracy. These counteracting forces create poise, balance and stability, along with faster acceleration.

With a pocket-sized frame, Falcon Mini has a 4K camera for smooth and clear footage. Other features include: low noise; 34 minutes of flight time; a 3-axis gimbal.

The drone, which will retail for $399, is to be shipped to crowdfunding backers in June.

"The best way to predict the future is to invent it." —ALAN KAY

Moonbuddy

CHILDREN'S RELAXATION TOOL

moonbird.life/pages/landing-moonbuddy

Moonbuddies guide kids through breathing exercises to teach them self-soothing techniques.

Their tummies expand and contract, providing tactile stimuli to guide children into science-based and effective calming exercises at bedtime or in potentially stressful environments. Just press a button and choose one of four exercises. Each 4-minute session stops automatically.

There are no screens or apps, and Moonbuddies are portable. Choose between Barry the bear or Bibi the bird. Sleeves are easy to clean and changeable.

Moonbuddies retail for $89.

Moonwalkers Aero

RUGGED WALKING SKATES

shiftrobotics.io

A hybrid of an electric skate and shoe, Moonwalkers Aero features 400 watts of power and 10 nanometers of torque to tackle hills and obstacles.

Aero is the follow-up to the original Moonwalkers. This latest 4-wheel drive model, with a refined electric motor, is more than 20 percent lighter, 20dB quieter and more intuitive than its predecessor to offer a smoother and smarter ride.

An AI-, gait-based system adapts to your unique movement and terrain. An organically shaped, swappable spacer that comes in two sizes is used to snugly secure the foot and ensure perfect position for all users. Aero retails for $999.

Movengine AirCore OWH

OPEN-EAR SOUNDSTAGE

movengine.com

Billed as "the world's first open-ear, wireless, hybrid headphones," AirCore OWH uses hollow acoustic technology that mimics listening to high-end speakers in a room.

The headphones can capture high frequencies, reaching up to 40kHz, and unlike closed-back headphones eliminate direct pressure on the ear canals for longer and more comfortable listening. They weigh just 309g.

Toggle between Open Mode (enhances the airy, natural soundstage) and Sealed Mode (blocks distractions, enhances bass and reduces noise).

Set to retail for $219, AirCore OWH is to be shipped to crowdfunding backers in June.

Stress Check

POINTS TO PONDER WHEN INVENTORS HIT MENTAL, EMOTIONAL ROADBLOCKS IN THEIR JOURNEY **BY APRIL MITCHELL**

WHEN AN IDEA SPARKS, it is such an amazing feeling! It's like a high or burst of energy that can't always be explained.

I find these special moments also happen when that "aha!" moment comes after lots of tinkering or brainstorming results in a problem-solving breakthrough, and figuring out the best way to move forward.

As inventors, our brains often don't stop thinking and creating. It can be nonstop.

But what if it starts to become more stressful than it should be, and without the payoff we want?

After being go-go-go for years, life as a full-time inventor has recently caught up with me. This caused me to pause and consider everything I am doing, and why I am doing it.

If you have found yourself in this place, these thoughts may help you on your journey.

What's your why?

Why are you creating, inventing or designing?

I have always enjoyed the process from idea to prototype to store shelves. Creating something new is exciting to me. I like using my imagination, thinking "what if," and seeing what I can come up with.

Once I learned I could invent and refine one product, I quickly had more ideas waiting for their turn to be sifted through and worked on. I feel it is a part of who I am and what I'm meant to do.

I want to be a part of bringing fun into homes with new games or part of the solution to solving a problem with a new housewares product, or part of the reason people smile, say "Wow," or enjoy their day.

Why are you spending your time inventing or designing? What do you like most about it? Is it fulfilling your need or desire to create and be a part of something bigger than yourself?

Can your mental and emotional health handle it?

Even when you enjoy what you do, there are things about this job—or any job—that are stressful. Different aspects or parts of the process affect people differently. There will be some things you don't enjoy doing; there will be things that stress you out.

My goal is to license my inventions and designs when I create them. With this comes hearing the word "No" a lot when I present the concepts to companies.

We are in the rejection business. Whether this happens while trying to license your products or trying to sell your product if you manufactured it on your own, it can get tiring–even with developing thicker skin or hearing it thousands of times.

Not knowing when the next deal or sale is coming from can be stressful. It can affect finances, especially if you are a full-time inventor.

Do a check-in on yourself to ensure you are handling the stress of it. If you need to, take a step back or reduce the amount of projects you have going on.

Evaluating your situation with projects you are working on, along with your mental and emotional health, are very important. If you dare, ask a few close family members or friends how they think you are handling everything!

How much does money matter?

When I started in inventing, I concentrated on my "why" and believed that in time the money would come. I wasn't doing it for the money, yet my goal was for my inventions to help create financial freedom for my family.

I'm not yet where I want to be but still hope to get that freedom someday.

Some inventors will hit it big with just one product and be set for life.

Some will have dozens on the market, and together all the royalties add up to be a good amount they can live on as they continue to invent.

Some inventors only live on their advances, while none of their products sell well enough to make royalties after the advance has been paid—or only have a few products making money, living advance to advance.

Very few inventors can solely live on the money they make from licensing products. The key is to have many products licensed, which means having far more products out there that you are pitching at one time.

As mentioned in previous articles, I recommend keeping your job until you are certain you can live on your royalty earnings.

Think about your need or want for money in this business.

Would you keep inventing or designing even if you don't meet your financial goals?

What amount of money do you need to earn to work less or retire from your other job so you can live on it?

At what point do you think your time and inventing efforts aren't worth it for the money you are making? What's the magic number?

Will there ever be enough? Will you ever be satisfied with the amount of items you've invented or that are on the market that you invented? Or will you want or need to keep at it until you are no longer walking on Earth?

I don't personally have a magic number where I would say "I think now is a good time to hang up my hat because I have X amount of products out in the world." Because I feel this is what I am meant to do. I would like to think I would create, invent or design on some level as long as I am still here.

Other people just want to prove they can do it—that they can get one of their products on the market—and this will be the great accomplishment, which it certainly is!

Where do you fit in here?

Do a check-in on yourself to ensure you are handling the stress of it. If you need to, take a step back or reduce the amount of projects you have going on.

Step back, but don't quit

Being an inventor is not easy. There are many joys to it, but people have varying tolerances for what they can handle and what might be best for them.

It's important to give your all if you are on this journey. I have seen too many products not make it to retail because the inventor quit too quickly.

I also believe it's important to know when to take a step back on the amount of projects you are working on, or even take time off from inventing for a month or two to relax and regroup.

When you find yourself having more stress than enjoyment, take a break and evaluate. I find this necessary, and that the creativity and joy of inventing can quickly come back!

Happy inventing.

April Mitchell of 4A's Creations, LLC is an inventor in the toys, games, party and housewares industries. She is a two-time patented inventor, product licensing expert and coach who in 2024 won the TAGIE Award for Game Inventor of the Year.

The Trouble With OPINIONS

ACTIONABLE INFORMATION—FROM CUSTOMERS—IS THE ONLY OPINION AN INVENTOR NEEDS **BY WILLIAM SEIDEL**

EVERY INVENTOR I know seeks opinions. And every inventor wants everyone to like his or her idea.

Favorable opinions and liking it are not confirmation it will succeed.

I don't believe opinions are worth much. Not even mine! I'm an expert witness, but in most cases there are qualified experts on both sides.

Gene Hackman and Dustin Hoffman were voted "least likely to succeed" by the Pasadena Playhouse. Burt Reynolds and Clint Eastwood were both fired from Universal Pictures because Eastwood talked too slowly and Reynolds couldn't act.

These are personal opinions from executives who are long forgotten.

iPhone? 'No chance'

People make mistakes by letting the wrong opinions matter.

Expert opinions may be valuable in their field, but they must be taken in context. Accepting opinions, even expert opinions, as the right answer may be convenient but often wrong.

I had a meeting with three vice presidents of the largest toy company. After they turned down all projects I presented, I asked, "If you were to license a product on the spot, what would it be?"

The vice president of marketing said, "Bill, that's easy. It would be the biggest thing two years from now."

To which I said, "Would you recognize it if you saw it?"

They all froze for a few seconds, then burst out laughing. "No, we wouldn't!"

So many passed on Cabbage Patch Kids, Trivial Pursuit, Monopoly, Teenage Mutant Ninja Turtles and the Super Soaker. These billion-dollar products were predicted to fail by the top experts.

With all their knowledge and industry experience, the highest-paid toy and game experts did not see potential for these super hits. Why not?

They knew they didn't want to be in the 69-cent squirt gun business. But they did not recognize the Super Soaker would break the price barrier and change squirt gun play. After it was proven, they bought the company and sold over 200 million units averaging $25.

Even top professionals do not recognize innovation. In 2007, Steve Ballmer, the CEO of Microsoft, proclaimed: "There is no chance the iPhone is going to get any significant market share. No chance."

The problem with innovation, with regard to the merit of popular opinion, is it breaks the rules, defies what people know and calls for new thinking.

It throws chaos on conformity. Demonstration and education are high cost and high risk. And when there is nothing to compare to, decisions are hard.

Encouragement vs. knowledge

I taught marketing and entrepreneurship for over 40 years. I require all my students to leave their opinions at the door. There is no room in product development, marketing or finance for personal opinions.

Products fail because of bad decisions—which come from bad information, which come from unknowledgeable opinions, false assumptions and popular myths.

Everyone buys products. Everyone has opinions on the products they buy and don't buy.

Uninformed opinions are often wrong. You can't make the right decisions with the wrong information.

Products fail because of bad decisions—which come from bad information, which come from unknowledgeable opinions, false assumptions and popular myths. With no knowledge of the product, the business or the customer, opinions are likely to be wrong.

You need information on which you can act. This comes from customers who buy and use similar products. If they are not customers, you don't need their opinion.

Unfortunately, opinions are often the only feedback inventors have. Every day I hear bad advice such as, "Go with your gut! Everyone will buy it! Go on 'Shark Tank!'"

Sound familiar? Encouragement is important but not to be confused with a prediction for success.

Most inventors are proud of what they made. In an attempt to get customer feedback, they often introduce it as their invention. This skews any honest response to not offend and be complimentary.

Family and friends are often research subjects and quick to offer encouragement. But rarely are they the customer.

Inventors often ask, "Do you like it?" looking for approval. But the only important approval is the customer's purchase decision.

Beatles? Nahhh

Personal likes and opinions get in the way of the best decisions. Because the CEO doesn't like it has nothing to do with the customer buying it.

In 1962, Dick Rowe, a senior executive at Decca Records, dismissed the Beatles: "We don't like their sound, and guitar music is on the way out."

His personal opinion is considered one of the biggest mistakes in music history.

At one time, marketers relied on instinct and expert opinions. Those days are 50 years gone.

Today, every product is unique with a specific plan, customer and position. Now marketers rely on the science of data analysis and measurements to track performance, define strategies and determine what works best and eliminate what does not.

Informed decisions are made to fund what is working.

Consumer testing finds which package, price and message sells the best—all of which need to be known before going to the market. Defying the data behind marketing decisions because of personal opinions is usually a fatal mistake.

It is all too common for personal opinions to take precedence over reality. For some, it is hard to believe the truth when it contradicts their hopes and opinions.

It was the inventor's opinion that the Frisbee was a toy, so it suffered slow and painful sales for eight years. Wham-O recognized children could not throw it and repositioned it as a sporting goods product.

Understanding the market reality made this troubled product an overnight success.

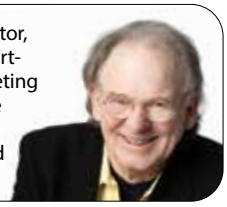
Last word

New products require pioneering. You have to blaze trails and contend with rejection while making the right decisions.

Seeking another opinion is a sign of uncertainty. More opinions lead to confusion and indecision, not clarity.

You don't need another opinion! You need to value customer opinions. Think Marketing!

William Seidel is an author, educator, entrepreneur, innovator, and a court-approved expert witness on marketing innovation. In his career and as the owner of America Invents, he has developed, licensed, and marketed billions of dollars of products.



AI ABCs

Starting this month, Inventors Digest *will provide elementary concepts involving one of the most increasingly vital and misunderstood tools in inventing and elsewhere: artificial intelligence.*

IBM defines AI "as technology that enables computers and machines to simulate human learning, comprehension, problem solving, decision making, creativity and autonomy." The seven types of artificial intelligence:

1. **Reactive machines:** These oldest forms of AI systems, which have extremely limited capability, emulate the human mind's ability to respond to different kinds of stimuli. Because these machines are not memory based, they do not have the ability to "learn."
2. **Limited memory machines:** In addition to having the capabilities of purely reactive machines, they can learn from historical data to make decisions. Nearly all existing, known applications are in this category. All current AI systems are trained by large volumes of training data they store in their memory to form a reference model for solving future problems.
3. **Theory of mind:** A work in progress, this is the next level of AI system innovation. This level will be able to better understand the entities it interacts with by determining their needs, emotions, beliefs and thought processes. Advancing this level of AI will require development in other areas of AI.
4. **Self-aware:** Another level of AI that is in the concept stage, this would become an AI that has evolved to be so similar to the human brain that it has developed self-awareness. Creating this type of AI is in the far-distant future and the ultimate objective of all AI research.
5. **Artificial Narrow Intelligence:** ANI represents all existing AI, including the most complicated and capable AI created up to now. These systems can only perform a specific task autonomously using human-like capabilities; they can do nothing more than what they are programmed to do and have a very limited range of competencies.
6. **Artificial General Intelligence:** AGI is the ability of an AI agent to learn, perceive, understand and function completely like a human being. These systems will be able to independently build multiple competencies and form connections and generalizations across domains, massively cutting down on time needed for training.
7. **Artificial Superintelligence:** The development of ASI could herald the pinnacle of AI research as the most capable forms of intelligence on Earth. ASI will not only replicate the multi-faceted intelligence of human beings, it will be far better at everything they do because of overwhelmingly greater memory, faster data processing and analysis and decision-making capabilities.

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After 'Eureka': Whoa!

BEFORE FILING FOR A PATENT, USE PROTOTYPING AS A TOOL TO BOOST YOUR CHANCES OF GETTING ONE **BY JACK LANDER**

ONE OF the first impulses we inventors have after conceiving an invention is to file for a patent. Resist that temptation.

Patents are expensive, and most of what we believe is truly novel has already been patented or is otherwise in the public domain.

But I don't mean to resist filing your patent application forever.

I mean to slow down and make sure you can discover patentable features that you may not have seen in your "Eureka!" moment of creativity.

Disclosures and claims

Most of us want to contact a patent attorney immediately and order a patent search to determine if our invention is truly novel. But I have found that if I am patient and spend time in scrutinizing every detail of the first image of my invention, I discover novel features that had escaped me in my moment of discovery.

After a thoughtful period of challenge—and when we are fairly sure we have extracted every extra bit of novelty from our prototype— then we prepare a disclosure.

The disclosure is a paper that explains the invention, its purpose, how it saves time, increases convenience, produces entertainment or enlightenment, and so on. It also states a list of anticipated patentable claims.

A claim is a feature or a related group of features that we hope are novel, thus patentable. The best way to understand claims is to read a few patents and get a feel for how they are written.

For example: My most recent invention is a (oops, sorry, I can't disclose it yet). But I can tell you that one of its essential components is a platform or base on which several small components are mounted.

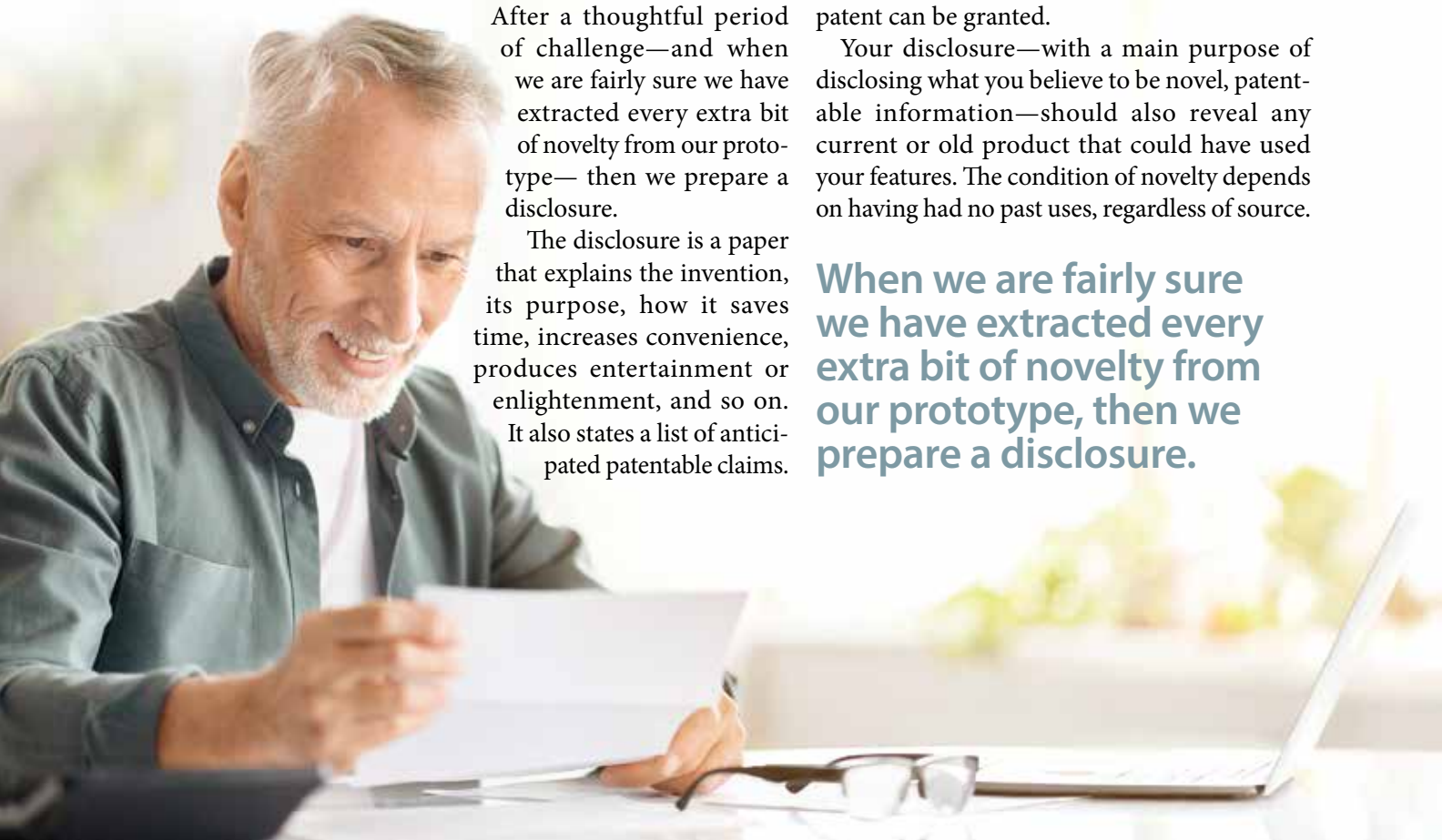
I could have just mentioned "base," but in nagging myself to be more specific, I finally came up with leather.

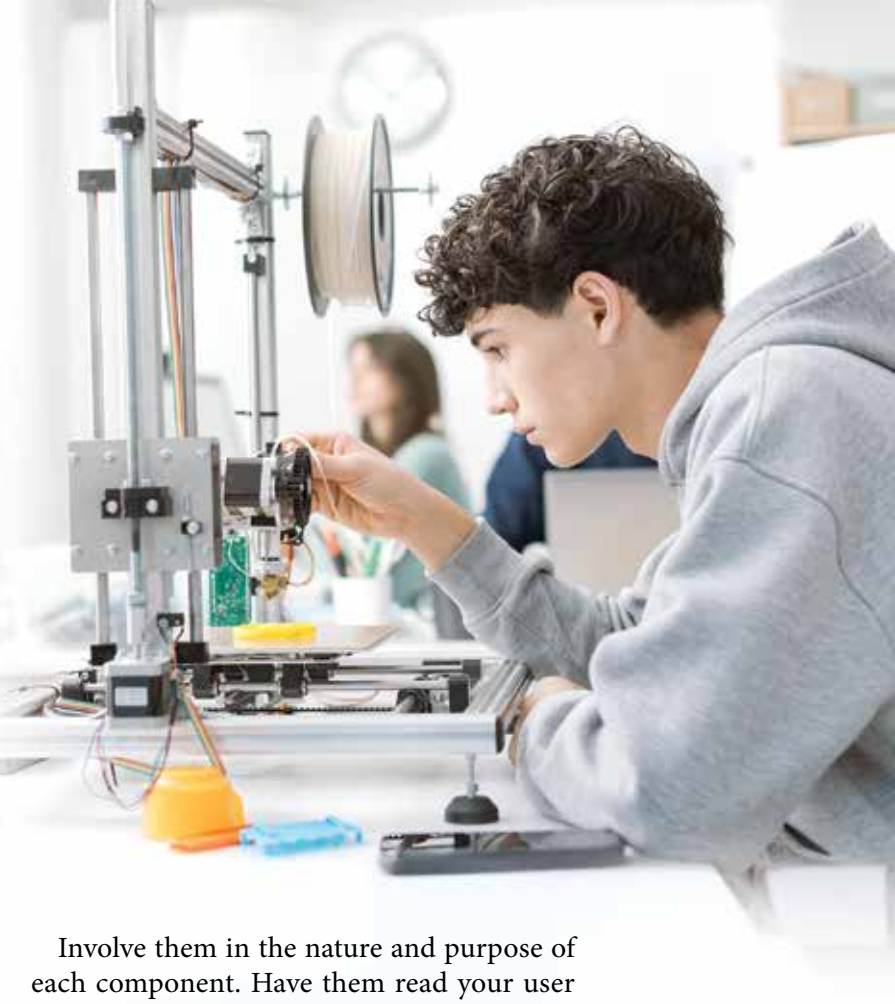
My subconscious was ruminating about possible materials, and leather popped up unexpectedly. Its flexibility proved superior to a stiff plastic, and because it is unconventional in this specific application it might be novel enough to end up a claim in my eventual patent.

In fact, it could end up being the only claim (of perhaps five or six) sufficiently novel that the patent can be granted.

Your disclosure—with a main purpose of disclosing what you believe to be novel, patentable information—should also reveal any current or old product that could have used your features. The condition of novelty depends on having had no past uses, regardless of source.

When we are fairly sure we have extracted every extra bit of novelty from our prototype, then we prepare a disclosure.





Even a published description that resembles your features, whether or not it has been built, may be understood as prior art.

Your 7-step tool kit

Seven suggestions for finding more patentable features before contacting a patent attorney:

1 Watch for patentable aspects revealed by your prototype. In many cases, building a prototype will reveal additional features that are the basis for potential patent claims. The claims are the essence of the patent.

In one of my patent applications, I listed more than 20 claims—several of which I don't believe I would have thought of if I had allowed my initial enthusiasm to set the pace. Most of these claims were shot down by the patent examiner, but the survivors included a few that were not even part of my invention's first definition.

Incidentally, a 3D printer is an excellent tool for nonfunctioning prototyping. It can make many components of plastic that may have to be made of metal or an engineering plastic that can stand high heat, shear strength, etc., in the final product.

2 Sketch the components of your invention and its assembly in your lab book. Enter a list of your claims, and sign and date each page. This is the only proof you have of priority if you and another inventor come up with the same invention at about the same time. (You do have a lab book, I hope.)

3 Analyze each component. Is there another way to accomplish the same function?

Keep thinking on this point. The final model may change significantly.

4 Dream about your invention. Visualize yourself assembling it, adjusting it, writing instructions for its eventual user. More than once I have dreamed up improvements for features that I wasn't entirely satisfied with while awake.

5 Ask a trusted friend or relative for his or her opinion. Begin by insisting there are no dumb ideas or stupid questions.

Involve them in the nature and purpose of each component. Have them read your user instruction sheet and your disclosure. Have that person sign and date his or her name in your log on the first page of your entries.

6 Take the greatest care in preparing and refining your disclosure—which is ultimately more valuable than your prototype.

7 Remember this saying from philosopher Friedrich Nietzsche: "I listened for an echo and hear nothing but praise."

We inventors may love to hear praise, but it's that echo from others that may yield a patentable claim we haven't thought of.

The patent process is a legal process. How well you prepare your patent disclosure may determine whether you will receive a patent or a rejection. You can expect expert examination, but the examiner isn't a mind reader.

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.

Hope Amid Uncertainty

CONTRARIAN NATURE OF PATENT MARKET COULD LEAD TO VALUATION GROWTH DESPITE ECONOMIC WARNINGS

BY LOUIS CARBONNEAU

AS THE stock market plummets, bonds cease to be a safe haven, the dollar loses value and respected economists warn of recession, the natural assumption is that every corner of the economy will suffer and leave us to batten down the hatches and wait for brighter days.

But hold on!

What about patents? What drives their worth? Are they immune to recession?

The answer is a qualified yes.

Here's the rationale. First, for those needing a refresher, my predictions on the IP market's vitality over the last decade have consistently relied on five key indicators:

- Supply and demand
- Shifts in the regulatory landscape (think Patent Trial and Appeal Board or Unified Patent Court)
- Pivotal legal decisions
- Substantial damage awards
- Accessible funding for small patent owners to enforce their rights.

I predict a significant influx of capital into the IP market in coming months (a trend already in motion) as traditional alternatives become less attractive.

Noticeably absent from this list are the typical economic barometers—inflation, mortgage rates, gas prices, unemployment, etc.—that occupy economists daily.

This underscores the contrarian nature of the patent market. During periods of stock market stability and growth, investors understandably maximize their positions there, leaving limited funds for more unconventional investments like patents.

The same principle applies to high interest rates. Why risk millions on complex patent litigation with uncertain outcomes and a 5-7-year potential monetization timeline, when a guaranteed 5-6 percent return with zero capital risk is available?

However, when traditional investment avenues lose their appeal, investors become more willing to embrace risk for potential significant returns. The substantial devaluation of patents over the past decade means that investing in them now is akin to acquiring a stock at its historical nadir—minimal risk with considerable upside potential.

Given this, I predict a significant influx of capital into the IP market in coming months (a trend already in motion) as traditional alternatives become less attractive.

This, combined with the growing momentum for patent owners and tangible supportive actions, leads me to expect an upward trajectory for patent valuations in the short to medium term.

This won't be an overnight transformation, as buyers have long enjoyed depressed prices and are still seeking bargains. However, this will evolve as patent owners, dissatisfied with low offers, increasingly opt for independent funding to directly assert their patents.

On the other hand, a wave of startup failures or a renewed push by large patent holders to liquidate significant portions of their portfolios to shore up corporate finances could flood the market, creating a ceiling on valuations despite the improved underlying conditions.

Ultimately, I believe the preponderance of short-term indicators points to continued strength and justifies our positive outlook for the patent market. However, the current global landscape, marked by tariff wars, represents uncharted territory where unforeseen events could trigger widespread disruption.

In such a scenario, no sector would likely be immune. We can only hope such a crisis is avoided.

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.

Clarity on Trade Deficits

IN THE tariff war unfolding before our eyes, several pundits have mentioned that the U.S. trade deficit numbers cited by the Trump Administration are somewhat incomplete because they only cover goods—whereas America is a large exporter of services, and these should be counted as well.

For instance, the U.S. trade deficit with the European Union in goods was $235.6 billion for December 2024, but the deficit in goods and services combined was a much more modest $20.4 billion. Similarly, the U.S. goods trade deficit with Mexico was $171.8 billion in 2024. However, for goods and services combined, the United States had a $0.722 billion deficit in services trade with Mexico in 2023 (latest available data).

Clearly, the United States is a much larger exporter of services.

U.S. IP AND THE WORLD

Looking at IP as a standalone class/service, an April 9 report by the U.S. Chamber of Commerce, "From Innovation to Employment: IP's Role in Job Growth," highlights the significant role of IP in the American economy.

According to the report, total IP-related exports reached $140.36 billion in 2024—underscoring the substantial contribution of American intellectual property to international trade. Texas led the nation in IP-related exports with $32.5 billion, followed by Louisiana ($7 billion) and Florida ($5 billion).

HOPE FOR PRO-PATENT BILLS

A recent article in IAM magazine (behind paywall) featured an interview with Thom Tillis (R-North Carolina), who chairs the Senate Judiciary Subcommittee on Intellectual Property, in which he expressed hope that we would soon see some progress on both patent eligibility (PERA) and PTAB reform (PREVAIL).

I have discussed these two draft bills on numerous occasions in previous columns and explained how either of these would be a game-changer in the United States, directly improving patent valuations.

Anything that can remove the current cloud of uncertainty over patent validity will do this. So, it is encouraging that an insider like Senator Tillis sees encouraging movement on these fronts—given how little legislation actually ends up becoming law these days.

Patent Claims: A Primer

STIPULATIONS AND ADVICE ON THE PART OF YOUR APPLICATION THAT DEFINES THE INVENTION **BY GENE QUINN**

PATENT LAWS require that the applicant particularly point out and distinctly claim the subject matter that he or she regards as his or her invention. The portion of the application in which this is done is not surprisingly called the claims.

Patent claims are in many respects the most important part of the application—because the claims define the invention for which protection is granted.

You can have the most thorough and complete description of an invention you can imagine in the issued patent—an absolute prerequisite—but without adequate claim coverage, no amount of description is enough to save you.

The exclusive right the United States Patent and Trademark Office has granted to you is in the claims. If you don't have a claim that covers a particular thing, then you don't own the right.

If your claims are too narrow, as is always the case when inventors represent themselves, it will be easy for others to get around your patent without infringement. Patent claims aren't the only reason you pay your patent attorney for assistance, but they are almost certainly the biggest reason patent attorneys will always have work.

It is necessary to include a full and complete description of the invention in the initial filing with the USPTO. Rearranging of a patent application is always allowed, but addition of new material is never allowed without the filing of a new patent application that will receive a new filing date.

It is typically of critical importance to keep and hold onto the earliest filing date possible, so refiling a patent application to add things left out is less than ideal. What you add is not entitled to the filing date associated with any previous filing, which means that additional prior art will be able to be used against those aspects of the invention.

There is no substitute for filing a complete application.

Understanding 'new matter'

Why are we talking about this in a claims primer?

There is a difference between adding what we call "new matter" and adding patent claims. New matter, which is prohibited, is defined by first viewing whatever is present at the time of the original filing of the patent application.

In determining the breadth of what is covered by that initial patent filing, you rely not only on the description contained in the specification and any drawings filed but also on the originally filed claims. Thus, new matter is defined in the negative.

If it wasn't there in the specification, drawings or originally filed claims, it is new matter. If it was present somewhere in what you filed, it is not new matter.

So, let's say you file an exceptionally detailed specification with good drawings and a representative set of claims. Let's say you fail to claim something that you later believe is of critical importance. Can you add the claim?

The answer is "maybe." What is it that you want to add?

New claims are added all the time, in patent application after patent application. The question is whether what you want to add is fairly described somewhere within the entirety of the patent application you filed originally.

If yes, you can add the claims. If no, you can't.

This is why searching for bargain-basement patent applications does you no good. The way you obtain cheap patents is by spending less time—and that means less disclosure.

The more time you spend, the more complete and detailed the description of the invention.

You describe the nuances of the invention, alternative versions of the invention and really anything that you can contemplate.

It is the act of contemplation—the mental activity—that makes you an inventor.

How elements work together

Sometimes when you file a patent application, subject matter is not shown in any drawing—nor is it described in the description—but it is claimed in the application as originally filed. While not ideal, as long as it is described somewhere, you have the ability to rearrange the application.

The claim or claims originally filed fulfill the requirement that the initial application be complete. The claim should not be attacked, either by objection or rejection, because this subject matter is lacking in the drawing and description. It is the drawing and description that are defective, not the claim.

Notice, however, that the drawings and description are not fatally defective because the original filing did contain a legally satisfactory description of the invention. In other words, the modification of the drawings and/or description would not add new matter because the matter was already contained within the initial filing (i.e., in the claims).

In this situation, what was contained only in the claims can then, through amendment, be rearranged within the application to provide the appropriate support in the specification for the claims as written.

The takeaway here is that the specification, drawings and claims all play a role and work together to describe the totality of your invention in that critical first patent application filing.

Patent applications can be redundant, but that is actually required. The claims are what will ultimately define your exclusive rights granted by the USPTO, and the specification needs to provide an understanding of the claims and the drawings are intended to illustrate things so the reader can more easily follow along.

This redundancy between specification, drawings and claims also helps provide a fail-safe mechanism to ensure there is support somewhere in the application for every aspect of the invention—all the alternatives, nuances, preferences and options.

Seek a fine-tuned Cadillac

To be sure, the originally filed claims need not be exhaustive. As discussed, through prosecution, claims can be amended and even added—provided the initial disclosure is broad enough to cover the added or amended matter.

Therefore, when drafting a patent application, it is good practice to spend time drafting quality claims. Do not simply rely upon your ability

It is crucial to provide the patent examiner with a good set of representative claims that offer a variety of broad to narrow claims.

to add claims later. Include enough claims with the initial filing to cover the invention in a meaningful way.

Your aim should be to have some patent claims you think are unique, but which are exceptionally broad. You should, however, also have a series of more narrow claims leading up to something that is quite narrow—perhaps the "Cadillac version" of your invention. By doing this, you have achieved a nice representative set of claims for the patent examiner to consider.

It is crucial to provide the patent examiner with a good set of representative claims that offer a variety of broad to narrow claims. The examination you receive from the patent examiner is never going to be any better than the claims you provide.

If you provide preposterously broad claims and then add very few and perhaps common features to that preposterously broad claim in your dependent claims, you are making it easy for the patent examiner to reject the preposterously broad claim and then reject your barely narrowing dependent claims.

In almost any case, when you talk to a patent examiner about the claims and suggest modifications, he or she will not tell you right then and there that your proposed modification is going to work. The examiner will say something like: "That would address my concern with this patent reference, but I'll have to see if there is anything else …"

So even in the best-case scenario, you are going to be negotiating with the patent examiner. That negotiation goes much more smoothly (generally speaking) if you provide a good set of claims at the outset—because with some narrow claims the examiner will already need to do some digging past the preposterously broad to get to the nuggets below the surface. And that's really where your invention resides.

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.

NOW STARRING: IP

Starting this month, Inventors Digest *will feature a celebrity or influencer who has made intellectual property an important part of his or her life and career.*

A pop culture icon with talent so varied as to defy categorization, Taylor Swift has long been a living billboard for intellectual property.

A website by intellectual property attorney Michael E. Kondoudis, which he calls "Taylor Swift Trademarks: A Complete Guide," speaks to how much Swift and IP are intertwined. The site says Swift has more than 50 trademarks and more than 200 federal trademark registrations. She has filed more than 350 trademark registrations since her first as a 17-year-old in 2007. She owns more than 30 trademarks for just her name.

But her signature IP stroke was in the realm of copyrights. It wrote and is still rewriting IP music history.

Swift had copyrights for her recorded music and lyrics when she left Big Machine Records in 2005, but the company owned the master recordings or "masters." When a business nemesis, Scooter Braun, acquired the company, he did not give her the chance to buy back the masters—and then sold them to third-party company Shamrock Holdings for a reported $420 million.

Swift then embarked on an unprecedented project for a major artist: She began re-recording all material from the six albums she made with Big Machine Records, now identified with the "Taylor's Version" suffix.

To date, Swift has re-released four albums with the Taylor's Versions—giving her both the music and lyrics rights along with owning her own masters. Better yet, her fans reportedly prefer the latter versions of the recordings over the originals.

The re-recording was not just a savvy business move; it was meant to take a stand for artists' ownership rights. It also changed future considerations for record companies with regard to re-recordings.

Swift was legally bound not to re-record for three years after her Big Machine Records contract expired. Given her success with the re-recordings—and those profits that are going elsewhere—record companies are now trying to prohibit re-recordings for 20 or 30 years, a key part of contract negotiations in the industry.

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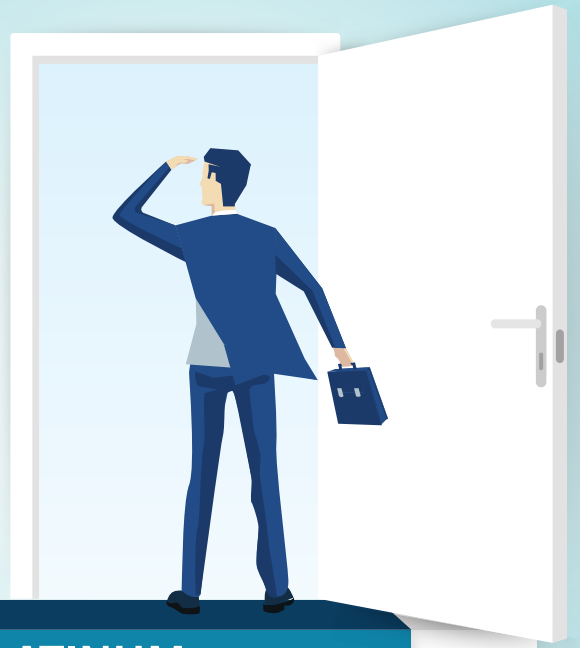

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Yes! Some Good PTAB News

INTERIM USPTO DIRECTOR TO TAKE CONTROL OF PATENT CHALLENGES RELATING TO IPRS, POST-GRANT REVIEWS

BY GENE QUINN

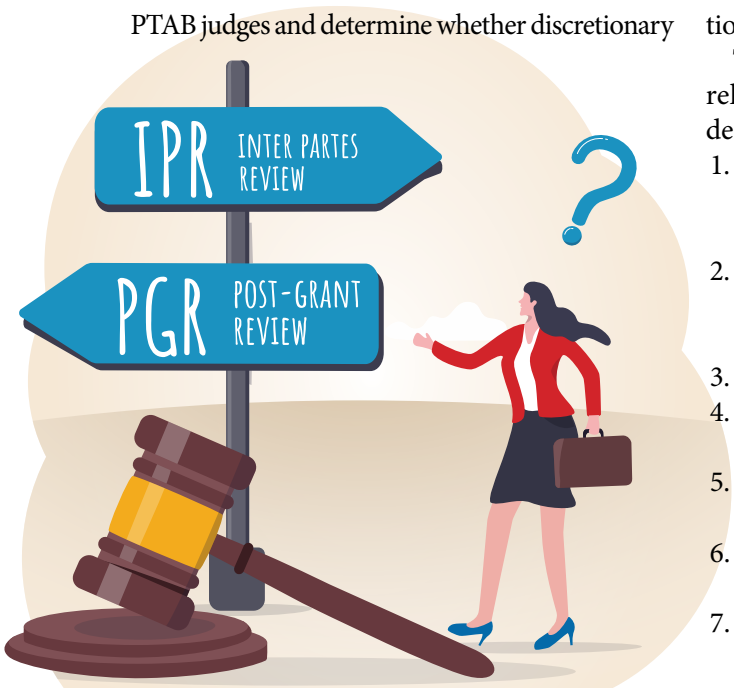
All Eye on Washington stories originally appeared at IPWatchdog.com.

UNITED STATES Patent and Trademark Office Acting Director Coke Morgan Stewart sent a memorandum to all administrative patent judges of the Patent Trial and Appeal Board detailing a new interim process for workload management.

To ensure the PTAB can continue to meet its statutory obligations relating to *ex parte* appeals, the director will exercise her discretion under law to determine whether discretionary denial is appropriate for any petition for *inter partes* review (IPR) or post-grant review (PGR).

Under this interim process announced March 26, decisions on whether to institute an IPR or PGR will be bifurcated (divided into two parts) between the discretionary considerations that will be addressed by the director and the merits and other statutory considerations.

The director will consult with at least three PTAB judges and determine whether discretionary denial of institution of the IPR or PGR is appropriate. If discretionary denial is appropriate, the director will issue a decision denying institution; if discretionary denial is inappropriate, the director will issue a decision on the discretionary denial issue and refer the petition to a three-member panel of the PTAB assigned in accordance with Standard Operating Procedure.



From that point, the assigned three-member panel will handle the case in the normal course, starting with a decision on institution based on the merits and other non-discretionary statutory considerations.

To facilitate this bifurcation approach, the USPTO will permit parties to file separate briefing on requests for discretionary denial of institution. The patent owner will have two months from the date of the notice of filing to file a brief explaining why discretionary denial is appropriate. The petitioner will then be given one month from the filing of the patent owner brief requesting discretionary denial to file its own brief.

The parties will be permitted to address all relevant considerations on the discretionary denial issue, including but not limited to:

1. Whether the PTAB or another forum has already adjudicated the validity or patentability of the challenged patent claims;
2. Whether there have been changes in the law or new judicial precedent issued since issuance of the claims that may affect patentability;
3. The strength of the unpatentability challenge;
4. The extent of the petition's reliance on expert testimony;
5. Settled expectations of the parties, such as the length of time the claims have been in force;
6. Compelling economic, public health, or national security interests; and
7. Any other consideration bearing on the Director's discretion.

New options for patentees

Acting Director Stewart explained that the aim of this change is to improve PTAB efficiency; better allocate resources to reduce the pendency in *ex parte* appeals; and promote consistent application of discretionary considerations in America Invents Act proceedings.

There is no doubt this new interim procedure will be widely approved by patent owners as a big step in the right direction.

For most of the time the PTAB has been in existence (since 2012), patent owners have had little real opportunity to fight back against the format in which proceedings are instituted. Critics of the PTAB have long questioned the extreme and growing use of expert testimony with respect to IPR proceedings.

For most of the time the PTAB has been in existence (since 2012), patent owners have had little real opportunity to fight back against the format in which proceedings are instituted.

Although the statute does contemplate the possibility that expert testimony could be offered by a petitioner, the IPR statute allows the PTAB to review and cancel claims as unpatentable "only on the basis of prior art consisting of patents or printed publications."

So, patent owners can be expected to immediately use these non-exclusive factors to challenge the extraordinary use of experts and attempt to focus the director on the patents and printed publications instead.

Likewise, property rights advocates should be heartened to see that settled expectations of the parties will be considered. After all, if patents are really a property right, there is little justification for allowing patents that are a decade or older to be challenged.

If patent owners must suffer the indignity of laches after only six years, surely challengers who could have challenged the patent earlier must face a similar consequence for failure to seek invalidation earlier.

Protecting Patent Filings

NEW USPTO GROUP FIGHTS IMPROPER APPLICATION ACTIVITY, INCLUDING FALSIFIED SIGNATURES

BY EILEEN MCDERMOTT

THE U.S. PATENT and Trademark Office announced a new working group dedicated to broadening the office's efforts to mitigate common threats to the U.S. patent system.

The Patent Fraud Detection and Mitigation Working Group "represents the agency's continued commitment to limit improper activity in patent applications and reexamination proceedings at USPTO and reduce patent application pendency," according to the April 16 press release.

The USPTO has also launched a webpage outlining actions the working group is taking to address threats and providing examples of some key threats of which to be aware. These include falsified signatures; false claims of discounted fee status; filing of "spurious" patent applications in which bad-faith applicants use technology to electronically file high volumes of patent applications with no intent to pursue patent protection and, often, no fees paid; and unauthorized representation before the USPTO.

Efforts to mitigate patent threats have resulted in the identification of 3,900 falsified signatures since June 2023 and the termination of 3,300 applications since October 2024.

The data section of the group's page says that efforts to mitigate patent threats have resulted in the identification of:

- 3,900 falsified signatures since June 2023;
- The termination of 3,300 applications since October 2024;
- More than 2,200 fee deficiency notices mailed in response to false micro entity status certifications;
- More than $1.8 million collected due to mailing of fee deficiency notices.

2 scary cases

The group will also monitor suspicious filings and use the sanctions process to address any misrepresentations identified. In two examples of previous actions taken to address misrepresentations before the office, one attorney was publicly reprimanded and placed on probation for 12 months (*In re Yang, Proceeding No. D2024-04 (February 2, 2024)*) while another was permanently excluded from practice before the USPTO (*In re Yu, Proceeding No. D2025-01 (December 20, 2024)*).

In the *Yang* case, the office issued a final order terminating approximately 3,100 patent applications for intent to deceive the office via fraudulent "S-signatures" in October 2024.

Practitioner Jie Yang first became aware of her signature being entered on thousands of documents without her knowledge in October 2022, when the Office of Enrollment and Discipline sent her a request for information regarding a number of micro-entity certifications that exceeded the limits for such status set forth under USPTO rules.

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.

Google Gonged Again

JUDGE FINDS SEARCH GIANT MONOPOLIZES CERTAIN AD TECH MARKETS

BY EILEEN MCDERMOTT

A **VIRGINIA JUDGE** has found Google liable under Sections 1 and 2 of the Sherman Act for anticompetitive behavior and monopolization of the publisher ad server and ad exchange markets for open-web display advertising. The court dismissed a claim that Google monopolizes the advertiser ad network market.

Like the D.C. court that found Google liable under Section 2 of the Sherman Act for monopolization of search services last August, Judge Leonie Brinkema of the U.S. District Court for the Eastern District of Virginia declined to sanction Google "at this juncture" despite the company's "systemic disregard of the evidentiary rules regarding spoliation of evidence and its misuse of the attorney-client privilege," which Brinkema said "may well be sanctionable."

The 115-page decision, announced April 17, detailed the history of digital advertising and the technology behind it before turning to Google's role in the market and its eventual rise to the top. Despite more recent hybrid models that have popped up, "digital advertising has been the lifeblood of the Internet," Judge Brinkema wrote.

As with the landmark antitrust ruling eight months earlier that Google is 'a monopolist,' a Virginia judge declined to sanction the company for now.

Setting unfair barriers

According to a plaintiffs expert, "in 2022, Google had a 91 percent market share of the worldwide publisher ad server market for open-web display advertising as measured by the number of impressions served." Those estimates matched Google's internal data, which found its publisher ad server, DFP, "to have between 84 percent and 90 percent market share at different points over the past decade."

Open web publishers rarely switch from DFP to another ad server because there are few alternatives, the decision said.

"Even Meta shut down its project to build a publisher ad server due to the significant barriers to gaining scale in a market dominated by Google," Judge Brinkema added.

The plaintiffs also proved that Google has monopoly power in the ad exchange for open-web display advertising market via AdX, its exchange for facilitating open-web display advertising.

17-state complaint

The suit was originally brought by the states of California, Colorado, Connecticut, New Jersey, New York, Rhode Island, Tennessee and Virginia, and was later amended to add Arizona, Illinois, Michigan, Minnesota, Nebraska, New Hampshire, North Carolina, Washington, and West Virginia.

A three-week bench trial was held beginning last September that included testimony of 39 live witnesses, deposition excerpts from an additional 20 witnesses and hundreds of exhibits.

IoT Corner

Vodafone recently connected its 200 millionth Internet of Things device—part of a worldwide network of smart devices and machines that monitor people's health, protect endangered animals, prevent vehicle thefts, and detect fires, floods and earthquakes.

The milestone device is a health care monitor connected by Vodafone to its globally managed IoT network that provides doctors remotely with vital information about a patient's cardiac health and vital signs. The first Vodafone IoT device was an in-car, window-screen mounted navigation unit connected in 2009. Since 2020, Vodafone has more than doubled the number of IoT connections in its network.

Wunderkinds

When announcing its 2025 Presidential Innovation Awards in April, Boise State University named **Nicholas Lloyd** its student innovation award winner. Lloyd has driven initiatives such as Feed The Funnel, an annual program that last September resulted in 100,000 meals being packed for Idaho food pantries. He was also honored for record-breaking scholarship advocacy and empowering others through mentorship and service.

What IS That?

The **Electric Salt Spoon**, made by Japanese beer company Kirin and unveiled at this year's Consumer Electronics Show, uses a weak electric shock to make your food taste saltier. It's meant to curb your actual salt consumption. It retails for $100 and seems unlikely to result in salty language.

Get Busy!

The exploding world of online and in-person retailers will be represented at the **White Label World Expo**, May 30-31 in New York City's Jacob K. Javitz Convention Center. The event draws more than 10,000 attendees each year. *whitelabelexpo.com*

WHAT DO YOU KNOW?

1 **Who said this about National Inventors Month? "We want to recognize those talented, brave individuals who dare to be blatantly creative ... whose accomplishments affect every facet of our lives."**

A) Joanne Hayes-Rines
B) Stephen Hawking
C) President George W. Bush
D) Elon Musk

2 **Which invention was introduced first—the Easy-Bake Oven, or Barbie?**

3 **True or false: Not all confidential information is a trade secret.**

4 **How long does a utility patent last from the date on which it is filed?**

A) 10 years **B)** 15 years **C)** 20 years **D)** 30 years

5 **True or false: Thomas Edison had an unusually large forehead and head.**

ANSWERS: 1. A. She was publisher of *Inventors Digest* for 20 years. 2. Easy-Bake Oven, 1963; Barbie, 1959. 3. True. Although all trade secrets contain confidential information, not all confidential information qualifies as a trade secret. 4. C. 5. True. His teacher said Edison's brains were "addled" and that he was as "dense as a stump."

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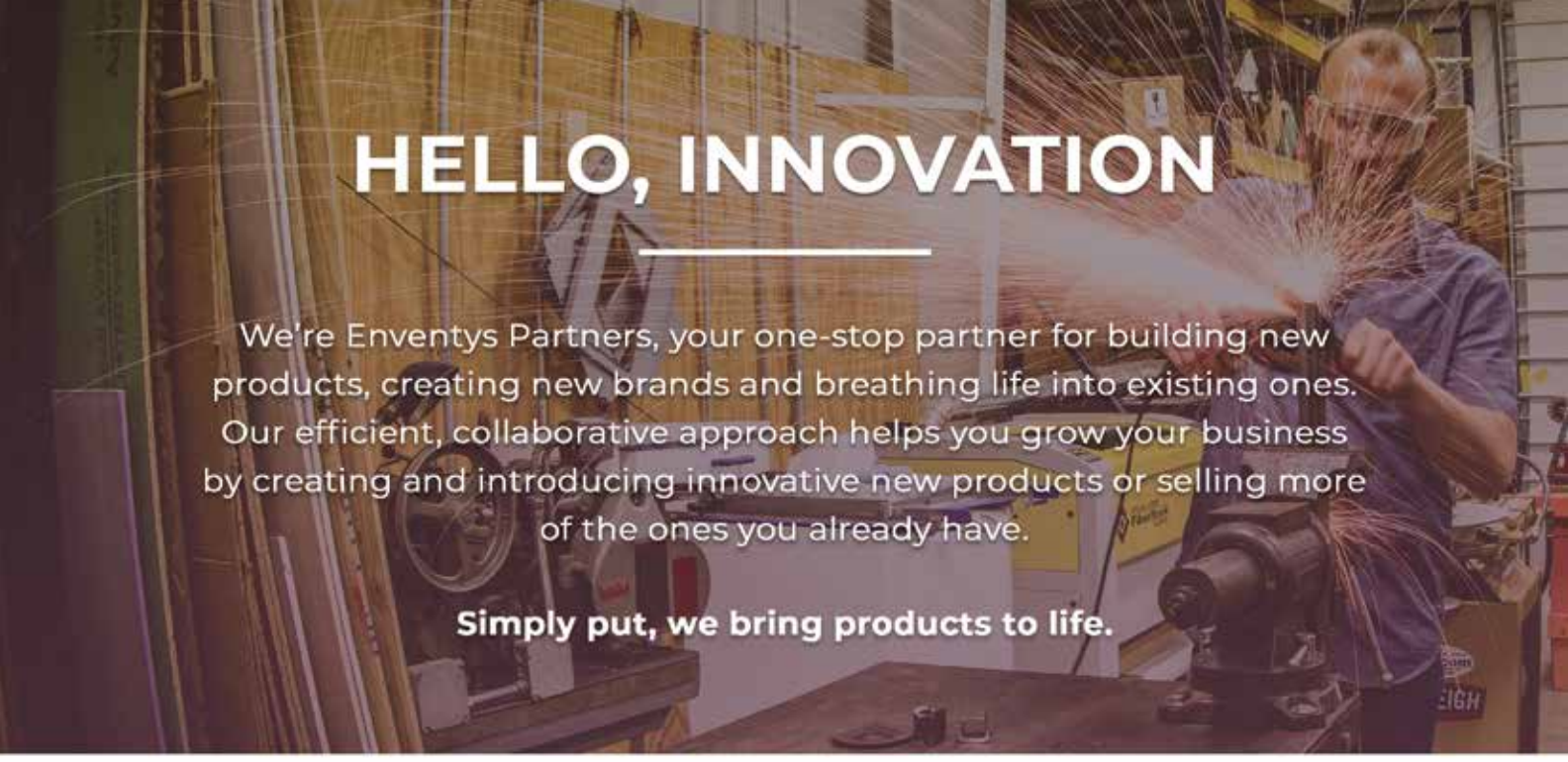

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