JANUARY 2026 Volume 42 Issue 01

Investors DIGEST

AULD LANG SIGN

CELEBRATING A NEW YEAR IN PUBLIC DOMAIN

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Know an Inventor Whose Breakthrough Is Changing Lives?

IPO EDUCATION FOUNDATION
Inventor of the Year

Nominate the next

IPO Education Foundation Inventor of the Year to recognize today's most outstanding inventors and how their work strengthens the nation's economy and quality of life.

AWARD CRITERIA

Patent:
Must have at least one U.S. patent

Commercialization:
Must be on the market

Your nomination demonstrates how innovations have reshaped industries and societies. Past winners include:

- **Erin & Lee Hanson**, Guardian, inventors of the Guardian Cap and other inventions impacting sports safety.
- **Katalin Kariko** (BioNTech), **Ugur Sahin** (BioNTech), **Ozlem Tureci** (BioNTech), and **Drew Weissman** (University of Pennsylvania) for the development of mRNA technology used in COVID-19 vaccines.
- **Alex Kipman**, Microsoft Corp., inventor of Kinect, Microsoft's motion sensing device developed for Xbox 360.

IPO EF Intellectual Property Owners Education Foundation

Submit your nomination by March 2, 2026

IPOEF.org/nominate

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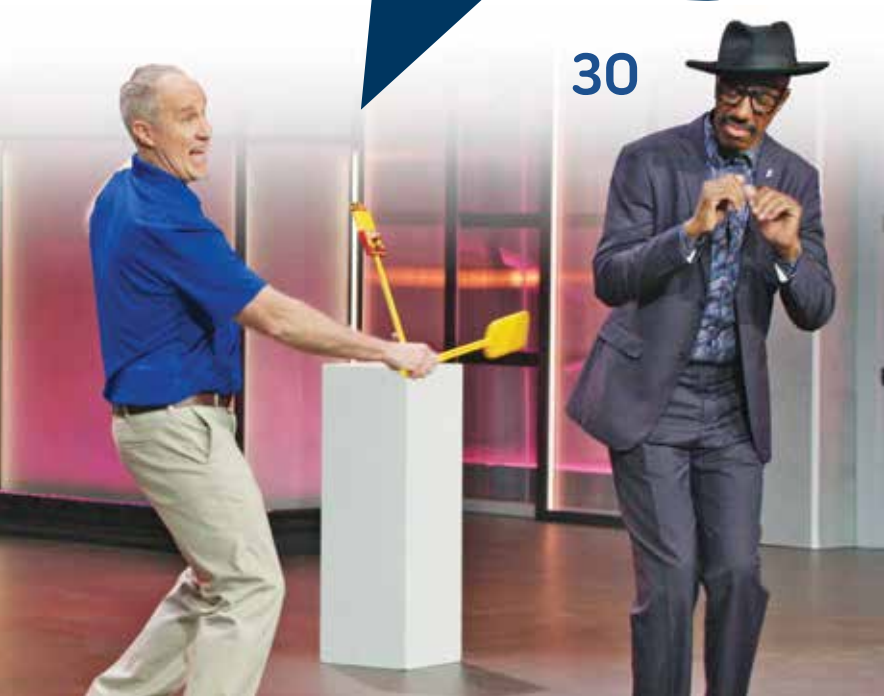

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The United States Constitution "makes direct reference to stimulating invention and innovation."

For those thinking it may be an overstatement to say inventing is part of what makes America great, Jerry Lemelson was proud to remind us otherwise. The founder of the esteemed Lemelson Foundation embodied the dogged independent inventing spirit that solves problems and overcomes monumental obstacles.

His words are most fitting as America celebrates its 250th birthday in 2026.

Prepare for a yearlong barrage of patriotic themes, commercially driven and otherwise. America250 will feature a slew of festivities and observances—many of them on the Eastern Seaboard, home to our original 13 colonies.

Consider the splendor of Sail250 Virginia (June 12-14 and June 19-22), showcasing an international fleet of tall ships and military vessels in Norfolk and other ports. The Give Me Liberty exhibition will open at the American Revolution Museum at Yorktown in April 2026.

Think 1976 and the bicentennial, without disco music and leisure suits.

A scant nine years after Apple Computer Co. was founded and the Cincinnati Reds steamrolled the New York Yankees in the World Series to cement their status as one of baseball's greatest teams, the first *Inventors Digest* newsletter was published. *ID*'s triple mission—information, imagination, inspiration—has been part of the American landscape ever since, while countless other magazines influential and not have been read last rites.

Those three I's fuel the heartbeat of our country's prosperity in 2026, especially during this time of AI-led technological dominance and possibility.

A year after *Inventors Digest*'s 40th anniversary as the longest-running inventing publication, we eagerly anticipate what the three I's will see next—and the opportunity to share and celebrate it with you.

—Reid
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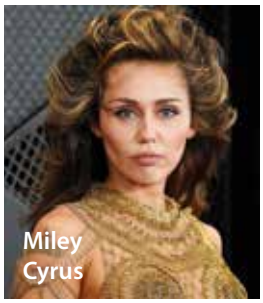
LOOK WHAT THEY'VE DONE TO MY SONG:

The Year Ahead


Miley Cyrus


Bruno Mars'

AS SURE as Taylor Swift will again contend for the title of Most New IP in Popular Music, 2026 will have its share of highly publicized copyright infringement cases alleging the overzealous borrowing or theft of music, lyrics, or both.

A couple of high-profile cases that have been blowing in the wind for several months, with expected rulings this year:

Last March, representatives for **Miley Cyrus** were unable to get dismissal of a copyright suit by Tempo Music Investments alleging that her 2023 hit "Flowers" too closely resembled "melodic, harmonic and lyrical elements" of **Bruno Mars**' 2013 song, "When I Was Your Man."

Ironically, Mars is not a plaintiff, but Tempo owns a share of the song's copyrights and filed suit in September 2024.

Last April, the Ninth Circuit Court of Appeals reversd a district court ruling and revived the copyright infringement case by Sound and Color, LLC against **Sam Smith** and **Normani** involving the hit song "Dancing with a Stranger." Sound and Color alleges that the hook or chorus in the defendants' 2019 hit is substantially similar to the hook in their 2015 song of the same name by Jordan Vincent and SKX.

Most notably, the appeals court ruled that the case must be decided by a jury. Sound and Color presented evidence from music experts in making its case.

AMERICA'S INVENTING CAPITAL IS ...

According to an analysis of tax and patent records by Opportunity Insights, adults who spent their childhoods in Minnesota are more likely to file a patent than those raised elsewhere in America.

The study looked at patent filers per 1,000 people born 1980–1984 and raised in each state.

One of the strongest predictors of becoming an inventor is growing up near inventors. Among the inventions attributed to Minnesota are the implantable pacemaker, Scotch Tape, Nerf balls, prosthetic heart valves and microwave popcorn.

The study's data confirmed some well-known (and distressing) trends.

Men are, on average, 4.5 times more likely to become inventors than women. But girls who grow up near women inventors—beyond their own mothers—are more likely to patent later in life. Interestingly, the same effect doesn't appear if young girls live near male inventors.

Kids from the top 1 percent of household income are six times more likely to become inventors than kids from middle-income families.

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BUT WAIT! THERE'S MORE!

Look for bonus *Inventors Digest* content online—courtesy of our new **ID Extra** feature that celebrates our popular new, streamlined website.

Check **inventorsdigest.com** for regular posts that supplement the uniquely educational and entertaining magazine for independent inventors, celebrating its 41st anniversary in 2026.

INVENTING 101

Setting up an Action Plan

BY DON DEBELAK

MY PREVIOUS column involved utilizing the best resources to set up a market niche, which should clearly differentiate your product from the competition. The goal now is to identify which companies will most benefit from that niche, and then contact them.

Your best targets

Look for companies with less than 15 percent market share. Companies with large market shares don't want to cannibalize their own products with a licensed product, and they typically won't take on a licensed product where they have to pay a royalty.

Companies that lag the industry in new product development can be hungry for business, often because they lack product development departments.

A company that has licensed products before is an obvious plus.

Prioritize companies where the marketing and sales departments have major management influence. You almost never license by convincing the product development group you have a good product; after all, you are their competitor. You license by having a good response from marketing and sales.

A search in industry trade magazines should provide at least some of this information.

Making presentations

You should now make a presentation for your targeted companies based on their situation, and how your product addresses their situation, categorized by the following major components.

Market position. Pitch these possible selling points, especially noting how your product idea will help sales of the company's other products:

- A complete product line. Does your product give a company a more complete product line versus the competition? A complete product line will make the company's customers purchase easier. Buying from one company is much easier than buying products from several suppliers.
- Unique product features that benefit certain market segments or the entire market. Inroads into a market segment typically benefit the company's entire product line.
- Your product will expand the distribution network. This is especially important when the company uses outside sales agents, often called rep groups.
- A key benefit over the market leader. Companies always look for sales points to sell their product over the leading product in the market. Market leaders are established, and often the first product customers look to buy.

Cost structure. Marketers base their prices, at least in part, on the company's costs. When companies can spread their costs over a larger number of units sold, their entire product benefits.

This is most important when companies can cut costs—including marketing and overhead costs—more than 10 percent.

VITAL VOCABULARY

NDA A non-disclosure agreement is exactly as it sounds—a contract, legally binding, to ensure that any confidential information shared by an inventor with potential partners, investors or collaborators, is protected from unauthorized disclosure or use. They can be known in other contexts as confidentiality agreements (CAs), confidential disclosure agreements (CDAs) and proprietary information agreements (PIAs).rulings.

Your Logo: Trademark, or Copyright?

SAY YOU'RE starting a business and have designed a logo, and you want it to be protected intellectual property. Do you register it as a copyright, or a trademark? Both?

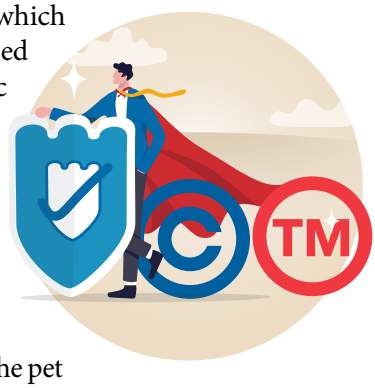
As the name suggests, trademarks are principally associated with trade (business) to indicate the source of goods or services.

Copyrights typically protect creative works, such as writings and works of art—the latter which can encompass pictures, paintings, movies and more.

Here's where it can get confusing, if the property in question is a logo. After all, there is some artistic and design element in any logo.

A copyright provides protection to the person or entity from a creative standpoint. It means no one else can use that logo and claim it as his or her creative work.

Regarding trademarks: As we have seen in many infringement court cases chronicled in this magazine, a primary purpose of a trademark is to eliminate confusion with a different (and sometimes competing) product or service. The recent Jack Daniel's/Bad Spaniel's case—in which the latter product used the same-shaped bottle and same font as the iconic whisky brand—comes to mind.



In her YouTube series "All Up In Yo' Business," attorney Aiden Durham with 180 Law Co. in Colorado discussed a situation in which a product could claim both a copyright and trademark.

CatPerson, which sells products for the pet community, uses packaging that features a box with drawings of people with or holding their cats. Those drawings can be copyrighted in order to keep the integrity of the artwork, and trademarks are presumably involved as well to indicate that unique source of goods or services.

She and many IP experts agree that virtually all logos should be trademarked, not copyrighted.

Overhead costs are a key element. These costs include equipment, plant depreciation and other plant-related expenses. Up to 50 percent of product costs are fixed costs, so increased sales lower the overhead costs per unit and greatly improve profits.

If you are targeting a company that can make your product in its plant, you could greatly increase the target company's profit. I believe inventors should look at making deals with companies that can make their product, even if they aren't in the target market—provided the inventor can set up a sales channel for the company.

Marketing costs are also fairly fixed; trade shows, listings in product directories and other marketing programs are also fairly fixed. So, additional sales from your products also lowers marketing costs per unit.

Help through contacts. Do you know influential people in the market? Do you know companies that would love to sell your product if you can provide it? Do you know an engineer who can provide help in getting a product ready for production? Do you have overseas production contacts? All of these may provide a little extra enticement for the companies you target.

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, dondebelak@gmail.com or facebook.com/don.debelak.5.

FREE ONLINE HELP

JANUARY 13

Learn how to file patent-related documents in DOCX format using the USPTO's Patent Center in a virtual course on January 13 from 2 to 3 p.m. ET.

Hear from experts on the USPTO's eCommerce Modernization (eMod) team, who will provide demonstrations and answer questions.

This session is one of several free training opportunities available at **www.uspto.gov/about-us/events/patents-docx-filing**. DOCX is a word processing file format based on open standards and is supported by many popular word processing applications.

The LOUD Family

NOISEMAKERS FOR NEW YEAR'S AND SPORTING EVENTS INCLUDE ONE THAT MAY PROMPT A MOMENT OF SILENCE **BY REID CREAGER**

OH, THAT ENIGMATIC, Jekyll-and-Hyde, truthin' and lyin', rabbit-holing, ubiquitous interweb. The same "source of information" telling us for more than a year that Johnny Bench is dead also delights us with this veritable embodiment of the oxymoron:

"1 hour of Relaxing Vuvuzela Noise Maker Sounds."

Noisemakers of all kinds are a New Year's tradition dating to the ancient, pre-DVD Era (before Dick Van Dyke). They're fun and harmless in short durations and reasonable decibel levels. But it's safe to say—without looking it up anywhere—that any prolonged exposure to the vuvuzela isn't relaxing or welcome, even at the baseball games and soccer matches where we often hear them.

These long, plastic air horns generally attributed to South African natives have become popular in Major League Baseball stadiums in the past 15 years or so (fittingly, about the same timing as the popularity of the bat flip and instant replay rulings made anonymously and/or erroneously at MLB's pretentiously named Replay Command Center, often halfway across the country in New York). The Florida Marlins gave away 15,000 vuvuzelas at a game in 2010, to decidedly mixed reviews.

South African soccer fan Frankie "Saddam" Maake invented the "instrument" in 1965, inspired by the traditional bicycle horn. In a 2010 article in the *Village Voice* about Maake, Foster Kamer called the vuvuzela "the crackhead, steroid-taking sibling of the diminutive kazoo."

But his article was tempered with compassion. Kamer cited a story by Chris Broughton at *The Guardian*, who quoted the inventor of this ear-splitting thing in a way that made you want to listen:

"People assume my invention has made me rich—in fact, big companies have taken the idea and the name, and don't give me a penny. I struggle to feed my nine children.

"Most of my earnings come from selling an album I made in the '90s that features the vuvuzela, and I've been touting the second volume at the World Cup games. Of course I'd be happier if my invention allowed me to support my family more easily, but I'm not bitter that others are benefiting. I still want to encourage others to enjoy them. When South Africa hosted the 1995 Rugby World Cup, I had vuvuzelas made in all the teams' colours and taught people in the crowd how to play.

Vuvuzela, pea whistle, party horn: Beautiful noise?

The inventor of the vuvuzela, termed by one writer as "the crackhead, steroid-taking sibling of the diminutive kazoo," says he never got a penny for it.

Frankie "Saddam" Maake wants people to blow vuvuzelas at his funeral.

"In my culture, it's hard to gain recognition when you do something good—not while you're alive, anyway. When I do pass away, I want people to blow vuvuzelas at my funeral."

Other noisemakers

The vuvuzela is the obnoxious cousin of the air horn, the pressurized-air instrument once used on TV by Archie Bunker to stifle the annoying singing of neighbor Frank Lorenzo with a louder level of annoying. For that purpose, to air is inhuman.

A list of other noisemakers for getting the right and wrong kind of attention, with their reported origins:

Siren. Often longer in duration than the noise from a vuvuzela or air horn—featuring a long wail that's akin to a political rant—the siren was invented by Scottish philosopher John Robison in the late 1700s for use as a musical instrument. His siren consisted of a stopcock that opened and closed a pneumatic tube to power an organ.

French scientist Charles Cagniard de la tour is sometimes reported as the siren's inventor (in 1819), though he may have merely improved its design. He used a bellows mechanism to force air through two brass disks.

Fireworks. Their origins go back to 200 BC (slightly outdating the Van Dyke Era) in ancient China. They were explosions caused when bamboo was heated.

Party horn. Joining fireworks as both a visual and audio experience, this is usually made of paper and extends straight out as you blow into it. The horn-like noise can be loud but not excessive. The world record for the most people blowing party horns in unison was set on November 21, 2009, with 6,091 people in Tokyo.

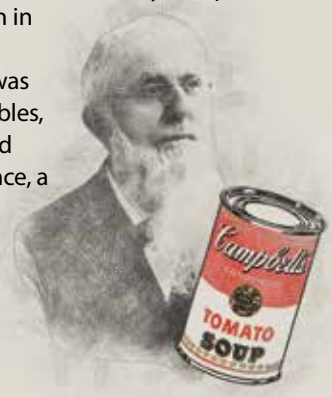
Pea whistle. Many of a certain age associate this noisemaker—containing a small ball that vibrates when the whistle is blown into—with a police officer chasing a suspect. It was invented by Joseph Hudson in the 1880s.

Ratchet instrument. An instrument used in many cultures, this makes a loud, clicking sound when held by the handle and spun. It's sometimes used by percussionists in orchestras.

Native to 1300s Russia but with conceptual origins that could date back 4,000 years, the ratchet instrument is one of many musical instruments that can be used as a noisemaker—though the noise it makes is not on a musical scale. On that loud note, Happy New Year.

INVENTOR ARCHIVES: JANUARY

January 9, 1906: Campbell's Soup was trademark registered—40 years after the company was founded by Joseph A. Campbell and Abraham Anderson in Camden, New Jersey.



Initially, the company's emphasis was producing canned tomatoes, vegetables, jellies, soups, condiments and minced meats. Campbell's son John T. Dorrance, a chemist, developed the condensed soup formula that required adding water before serving.

The company was first called Joseph A. Campbell Preserve Co.

The Glory of a Great Story

HOW TO CONNECT WITH COMPELLING NARRATIVES TAILORED FOR DIFFERENT SOCIAL MEDIA AUDIENCES

BY ELIZABETH BREEDLOVE

MANY OF the best inventions don't start with a polished product or a clear plan. They start small—maybe with a quiet irritation about something in your daily life that could be better; a question that lingered for years; a middle-of-the-night idea scribbled on the back of a receipt.

Whatever the origin, there is always a story behind the invention. That story is often more powerful than the invention itself.

For inventors, narrative-driven content is a great asset to any marketing strategy, especially social media marketing. Your story is not a distraction from your invention. It is part of what makes your invention matter.

Power that connects

Many inventors underestimate how interesting their invention origin story truly is.

People do not remember specs or features as easily as they remember learning that you struggled with arthritis and designed a tool to ease the strain in your hands. Or that your grandchildren inspired a safer household product. Or that you faced a setback in your career that pushed you toward innovation.

These are the kinds of stories that stay with people.

You can use social media to walk your audience through the moment you first noticed the problem, the frustrations that built up, and the decision to solve it yourself. When you talk about this on social platforms, your audience can feel like they are right beside you. They picture you at the kitchen table sketching an idea, or tinkering with parts in the garage.

Short-form video makes this even easier. A 30-second clip that captures a personal moment is often more effective than a long, drawn-out explanation. You can film yourself describing the moment the idea sparked, or show an old notebook where your first sketches live.

Using Instagram Reels

Instagram Reels offers a visual and emotional window into your journey. You don't need fancy transitions or complicated editing. A simple clip that captures a moment is more than enough.

For example, you can film yourself holding the earliest version of your prototype. It might be messy or made from household items, but when you talk about what worked and what failed, viewers feel like you are handing them a piece of your personal history.

Another approach is to share the small routines that keep you going: a quiet morning at your workbench, or a walk where you reflect on what comes next. These clips create a connection, because they are real and authentic.

Viewers also love before-and-after stories. Instead of a basic product demonstration, frame the clip around the problem you faced and the moment it started to improve.

Maybe you show yourself trying to complete a simple task before your invention existed, then cut to the improved version. The contrast tells the story without needing a lengthy explanation.

TikTok strategies

Known for quick entertainment, TikTok is also a place where educational content thrives.

When you speak directly to the camera about what you have learned as an inventor, people will stop to listen. The platform rewards clear storytelling, and your experience offers exactly that.

A helpful way to approach TikTok is to think of each clip as a page in a diary. One clip might share the moment you realized a design flaw. Another might tell the story of how you overcame a manufacturing challenge. Another could highlight a memory from earlier in your life that unexpectedly shaped your invention journey.

TikTok viewers tend to enjoy stories that acknowledge struggle. This is where your life experience becomes a powerful asset.

You can talk honestly about mistakes and missteps, and how you recovered. You can talk about doubts and why you pressed forward. This vulnerability is part of what makes storytelling stick.

TikTok also lets you speak directly to people younger than you who dream of inventing but feel intimidated. When you share how long it took you to pursue your ideas, or how your path was anything but straight, you encourage them in ways they remember.

LinkedIn reflections

LinkedIn is different from Instagram and TikTok. The tone is calmer and more professional, which makes it perfect for longer reflections on your lived experience as an inventor.

When you frame your story around lessons that come from real life, you build trust.

You can share posts about the challenges of product development and what they taught you about patience and persistence. You might reflect on how your work experience from decades earlier taught you something you still use today. You can describe a moment when you wanted to quit and what changed your mind.

Unlike short-form video, LinkedIn lets you expand these thoughts without rushing. Posts that read like mini essays perform very well, especially when they focus on a personal turning point or lesson learned.

Investors, incubators and collaborators browse LinkedIn looking for people who know how to think. When your posts show steady reflection, they will begin to see you as someone who has earned wisdom through real effort.

Telling your story across platforms does more than create engagement. It shapes your entire brand identity.

The bigger brand picture

Telling your story across platforms does more than create engagement. It shapes your entire brand identity.

When people hear your name or see your product, they remember the story behind it. They remember the person, not just the idea.

Your story also helps people trust you.

Many inventors worry that their product is not perfect yet. A strong story buys you grace while you improve it. People tend to forgive imperfections when they see the journey behind them.

Your story can even help clarify your mission. When you talk about what inspired your invention, you naturally talk about who you hope it helps. That makes your messaging clearer and your marketing stronger.

Invention is about more than problem solving. When people buy your product or support your idea, they are also connecting with the story behind it.

Sharing that story through short videos and thoughtful posts helps people understand why your invention matters, and helps them remember you.

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.

First-to-Market Peril

COMPANIES LACKING VISION MAY BUILD A PRODUCT CATEGORY AND SEE COMPETITORS TAKE OVER **BY WILLIAM SEIDEL**

"**I DON'T NEED PATENTS,** *advertising or marketing. I'm gonna be first to market.*"

We hear a lot of talk about how first to market is most important. This is a good strategy for very big companies that can capture, control and defend the market space.

If you can't defend it, you will be first to prove it and first to lose it. This comes at a very high cost.

The FMA challenge

First to market is sometimes called the First-Mover Advantage (FMA).

In business, economics and marketing, the First-Mover Advantage is gained by the initial company in the market segment or shelf space. Getting there first is important—but staying there is the objective. In other words, large companies with reseller clout can defend the shelf space.

FMA can work well for a market niche that is too small for large competitors. A $3 million or $10 million product means a lot to you and me, but the giant corporations that you have to worry about are interested in $20 million or $50 million products. A $3 million product is a drain on the resources and budgets of large companies.

First movers may experience a monopoly-like status if they maintain the market position. However, if the first mover is not able to capitalize, it provides an opportunity for competitors.

When 2nd finishes 1st

The Second-Mover Advantage happens when a company follows the lead of the first mover and captures market share.

A second mover learns from the successes and failures of the first mover, reduces research and development costs, and eliminates the high cost of educating the customer because the first mover's advertising already paid for it. As a result, the second mover can better use its resources, reduce the price and increase profits.

Second movers' capitalization happens with highly promoted products, when the first mover heavily promotes and advertises the product category.

Products that are first to market with success can be victims of the Free-Rider Affect employed by second movers.

BookStacks, known as books.com, was founded in 1991, launched online in 1992—the first online bookstore. Amazon.com was founded as an online bookstore and launched in 1995.

Amazon had a Second-Mover Advantage. BookStacks, undone by the Free-Rider Affect, is now unknown.

Timing can mean everything. BookStacks was too early when internet use was around 1 percent and primarily for academics, researchers and government professionals. It was unfriendly, with dial-up connections and only a handful of websites.

Just a few years later, 41 percent of U.S. households were connected and Amazon's timing was right.

Barnes & Noble, B. Dalton and Walden Books were positioned to capture the online book business but didn't have the vision. By the time they realized online marketing was viable, it was too late.

Watching and swooping in

Royal Crown Cola began distributing its soft drinks in cans in 1954. The beverage innovator launched Diet Rite Cola in 1958, the first sugar-free soda in 1962, and created a new category of soft drinks.

RC launched the first caffeine-free diet cola in 1980, the first sodium-free diet cola in 1983 and Diet Cherry RC in 1985—but held less than 10 percent of the market. So, RC is the innovator and first to market but couldn't defend the market for any of the products it pioneered.

Coke and Pepsi sat back and watched while RC absorbed the costs and proved the products.

As Diet Rite built the diet soda business, Coke and Pepsi took it away with Diet Coke and Diet Pepsi. As RC increased market share, Coke and Pepsi took it away.

In 2005, RC introduced Pure Zero—touting zero carbs, zero calories, zero caffeine and zero sodium. Coke and Pepsi offer "Zero" products but not the same criteria.

If your product affects the industry, competitors will have great interest or great aggression. They may increase their ad budget, or they may offer to purchase your business or elbow you out.

Buying the competitor is a common tactic. Industry leaders have the enviable position to take notice when it begins to affect their business.

In 1987, the FoodSaver was a TV success at $299 and created a $100 million product category for home vacuum appliances. The inferior $49 bag sealers undercut the price and took two-thirds of the market.

Because of FoodSaver's enormous advertising budget, the competitors used the Free-Rider Affect, selling at a low price and duping customers to believe it was a vacuum appliance when it was not. However, the last laugh goes to Jardon, which bought the FoodSaver company and all of the competition—yielding a $200 million world market today.

A second mover learns from the successes and failures of the first mover, reduces research and development costs, and eliminates the high cost of educating the customer because the first mover's advertising already paid for it.

Last word

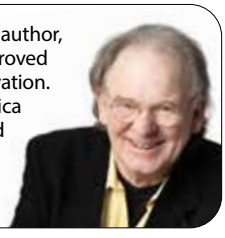
It takes vision to see past first to market, or the First-Mover Advantage.

If the railroad companies knew they were in the transportation business, they would own the airlines. If Blockbuster had vision, it would be Netflix. Kodak owned many digital patents, but because it would damage their film business it refused to introduce digital cameras and bankrupted the business.

Pioneers are the ones shaping the future. But Ford wasn't the first automobile manufacturer, Google wasn't the first search engine, and Facebook wasn't the first social media platform.

These leaders had the vision to recognize an existing market gap and fill it. Pioneers take the arrows. Settlers take the land.

William Seidel is an entrepreneur, author, educator, innovator and court-approved expert witness on marketing innovation. In his career and as owner of America Invents, he has developed, licensed and marketed billions of dollars of products. Contact: (707) 827-3580, Info@AmericaInvents.com.



Fuel Phenom

YOUNG MAN CAPTURES NATIONAL ATTENTION WITH INVENTION THAT WOULD CONVERT PLASTIC WASTE INTO FUEL

BY EDITH G. TOLCHIN

JULIAN ALEXANDER BROWN, from the Atlanta suburb of Douglasville, is in his early 20s but already on a mission to save the world.

A high school class in welding and some downtime due to an accident led Brown to experiment with converting plastic waste into fuel. After only a few years, the owner of NatureJab has built an extensive social media following and has appeared in *Newsweek*, among other major media outlets.

His family is supportive of him. Parents Glendell and Nia Brown are college sweethearts who have been married 28 years. Julian has an older sister, Camille, who is a city planner and professional violinist, and a younger brother, Nico, who helps Julian with his other business, Jabaroma.

Edith G. Tolchin (EGT): Please share your background and how an accident led to experimentation—and ultimately, to your invention.
Julian Alexander Brown (JAB): I was born in Chattanooga, Tennessee, but my family and I moved to Atlanta when I was 4. A student stabbed me in the hand during my senior year of high school. The accident severed the tendon in my right thumb and immobilized my right hand for six months.

I have always enjoyed working with my hands, so I felt a bit lost and frustrated that I couldn't. I used that time to do a lot of reading and research. I have always been troubled by the massive plastic problem our world faces, so I began to focus my research on finding solutions.

That's when I learned about the process of pyrolysis. When I recovered from my injuries, I used the wealth of knowledge I gained to construct my first microwave pyrolysis reactor when I was 17.

I spent a short time at the University of West Georgia as a Material Science major, but I decided to forgo college when I received an opportunity to participate in the 776 Foundation Fellowship Program. One of the stipulations was that I would have to devote myself to my innovation full time for two years and that I could not be enrolled in college.

I took the leap of faith and began this journey as a full-time inventor and innovator.

EGT: I understand that your high school courses in welding helped you create the equipment needed for this invention. Please elaborate.
JAB: Since my childhood, I have always enjoyed the balance of creating the concepts I see in my mind and building with my hands. My mother encouraged me to enroll in a welding program when I was in the 11th grade.

Our school district has a dual enrollment program where students can earn a high school diploma while also obtaining a technical skillset. Welding class was a great fit for me as someone who is kinesthetic and a tinkerer.

Welding gave me the skills to understand and implement the necessary structural and high-pressure welding required for all of my reactors. I am a certified Stick, MIG and TIG welder.

EGT: What is NatureJab?
JAB: NatureJab is a company that is pioneering in microwave pyrolysis technology, with the goal of manufacturing decentralized pyrolysis units for every city and nation on Earth.

EGT: What is Plastoline?
JAB: Plastoline is the name of the gasoline alternative I generate from plastic waste with my microwave pyrolysis reactor. It has been tested to have an octane of 110, similar to race fuel. An independent lab test verified it to have a superior chemical composition to gasoline from the pump.

EGT: What is the microwave pyrolysis reactor, and how does it work?

JAB: Pyrolysis is the process that breaks apart a material with heat in the absence of oxygen. The microwave pyrolysis reactor is a machine that converts all types of plastic waste into usable fuel alternatives and carbon black. This is the world's first solar, continuous, microwave pyrolysis reactor.

The machine operates by utilizing microwaves to break apart plastic within a vacuum environment. The lack of oxygen causes the plastic to break down into its petrochemical constituents as opposed to burning. The plastic becomes a crude oil alternative, which is then refined through the process of fractional distillation.

The distillation apparatus is heated by the natural gas alternative created by the process. The refining process creates Plastoline, Plastidiesel and Plastijetfuels.

The process is in a closed-loop system with no emissions and no waste byproducts. Additionally, this reactor is "continuous" in operation, meaning plastic can be loaded in while the machine is running. The entire system is powered by solar panels, creating a green and renewable waste solution.

EGT: Is Plastoline patented or patent pending? Any obstacles with this process?

JAB: It is patent and trademark pending.

PHOTOS COURTESY OF JULIAN ALEXANDER BROWN

Julian Alexander Brown developed Plastoline, a gasoline alternative generated from plastic waste with a microwave pyrolysis reactor.

EGT: What is the potential for the world with "plastic-to-fuel conversion?"

JAB: This technology has immense potential for the entire world. Through proper implementation of this plastic-to-fuel technology, the world can be cleaned of all plastic waste from the source of its production while creating additional economic opportunities.

EGT: Tell us about your GoFundMe campaign.

JAB: While I appreciate the generous fellowship grant of the 776 Foundation, it only provides a fraction of the operational costs to construct the machine and cover the maintenance, repairs and upgrades, among other expenses. As you can imagine, the components to build the machine are quite expensive.

I have two campaigns. The first was to raise money for solar panels and all related materials.

We successfully raised $30,000 and have solar panels now! My second campaign is a fund to build and implement my first professionally manufactured machine.

I am eternally grateful to those who believe in the mission and have contributed.

To raise additional funds to support my mission, I have also started a natural skin care company called Jabaroma. My team and I manufacture natural deodorants, body butters, mosquito repellant and sunscreen.

EGT: Please tell us about safety testing at ASAP Labs.

JAB: ASAP Labs is a fuel testing company in Vancouver, Washington. They offered to test my Plastidiesel and compare it to the standards of pump diesel. Their lab results showed that my diesel has a higher cetane index than diesel from the pump.

This means that Plastidiesel undergoes more complete combustion than diesel from the pump, which makes it more fuel efficient and cleaner burning. It also creates more power and less black smoke than diesel from the pump.

EGT: You have nearly 2 million followers on Instagram! Are you on other social media?

JAB: Thank you for this acknowledgement. I am humbled to say I now have nearly 3 million. Yes, I can be found on all social media platforms with the same name, NatureJab.

EGT: What are your future plans?

JAB: The future plan is to implement and deploy the first machine next year in a plastic waste-ridden area, and to observe the impact this machine has on the community.

EGT: Do you have any advice for novice inventors?

JAB: Develop a clear vision of the purpose and potential impact of your mission and ensure that it is the primary motivator to keep you focused and going strong. With strong motivation, you can persevere despite all the challenges that come with the journey; you will remain committed until you see your vision come to light.

Over the past five years, I have experienced extreme financial instability, a life-changing physical accident which hospitalized me with second degree burns, and I have experienced life-altering cyber and physical security threats from the public. Despite all of this, I am still committed to my goals and work diligently each day to accomplish them.

Details: business@naturejab.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).

1-2-3 COMMON INVENTION QUESTIONS ANSWERED

By Ben Greenberg, founder of Inventions Unlimited (inventionunlimited.com):

1 Most inventors have no shortage of ideas. What separates the ones worth pursuing from the rest?
The market decides, not your excitement. The biggest mistake inventors make is assuming that because they love their idea, the world will, too. Before you spend a dollar on prototyping or patents, validate whether the problem is real and painful enough that people will actually pay for a solution. That means talking to strangers, studying product reviews and finding recurring frustration—not compliments. Ideas are infinite; viable products are not.

2 When is the "right" time to build a prototype?
Right after validation, not before. Prototypes are expensive learning tools, not trophies. Your first version shouldn't be pretty; it should answer one question: Does this concept actually work in the real world? Early prototypes should be rough, fast and functional: foam, 3D prints, duct tape, off-the-shelf electronics—whatever helps you test assumptions quickly. The worst mistake is building a beautiful prototype for a product no one asked for or needs.

3 Many inventors worry constantly about idea theft. How should they really think about intellectual property?
Fear of theft stalls more inventions than theft itself. Perfect protection doesn't exist. The goal is sufficient protection to move forward with confidence, usually starting with a provisional patent applications and nondisclosure agreements when needed. A PPA locks in your filing date and buys you 12 months of breathing room to validate, refine and seek partners. The bigger risk isn't someone stealing your idea; it's never launching because you were frozen by "what if."

THE SCOOP ON BOOP

SHE'S THE FACE OF A 2026 PUBLIC DOMAIN DAY TEEMING WITH HISTORIC WORKS, CONTROVERSY AND CONFUSION

BY REID CREAGER

THE ICONIC CARTOON character Betty Boop entered the public domain when the clock struck 12 a.m. on January 1 in the United States.

Well, kind of.

Uh, no, not at all, according to the company said to hold Betty Boop's licensing rights.

Welcome to the annual confusion and opportunity of Public Domain Day—the New Year's Day occasion for which select creative works no longer are subject to copyright restrictions and become ripe for anyone to use for commercial purposes.

Betty—or more accurately, her earliest incarnation—is among many works from 1930 now in the public domain. Joining her in the cartoon animation realm are two Walt Disney shorts featuring early versions of Pluto, and the first appearances of Chic Young's "Blondie."

In other creative arenas, the first Nancy Drew mystery, "The Secret of the Old Clock," and the movie "Animal Crackers" are among those now PD eligible. They are joined by a slew of classic vintage films, books and sound recordings.

The 1930 version of Betty Boop (opposite page) is fair game to reuse for commercial purposes, but creative opportunists need to know the whole story.

Selected availability

As *Inventors Digest* reminded you in its February 2025 cover story featuring the earliest version of Popeye—and as we have seen with Mickey Mouse and others—the first appearance of a character entering the public domain does not mean all subsequent iterations of the character are instantly fair game for the public.

"Creators should proceed with caution," said Andrea L. Arndt, a member of the Intellectual Property Practice Group at Dickinson Wright in Austin, Texas, who debuts as a regular contributor with *Inventors Digest* this month. "While using the 1930 version is legally permissible, incorporating features from later designs, such as the humanized face or signature style, could result in infringement claims under copyright or trademark law.

"Companies have mastered the art of intellectual property longevity. They modernize characters, register trademarks and create new copyrighted works to maintain control. This is a sophisticated strategy that effectively extends exclusivity well beyond the original copyright term."

Betty Boop's earliest incarnation, a bit role in 1930's "Dizzy Dishes" movie, was a weird amalgamation: half flapper, half poodle. It/she had floppy dog ears, large jowls and a small snout, with spit curls—but looked human from the torso down.

In fact, Fleischer Studios, the company that claims to hold Betty Boop's licensing rights, refers on its website to that 1930 entity as "the *character that would eventually become* Betty Boop" and therefore not in the public domain. However, the features of that character are unmistakably Boop.

Furthermore, according to Aaron Moss's story on copyrightlately.com—widely quoted in many internet stories about Public Domain Day and the unofficial, official expert source: "The (Fleischer) studio's confident assertions are also curious given its own legal history. In *Fleischer Studios, Inc. v. A.V.E.L.A., Inc.* (2011), the Ninth Circuit agreed that Betty Boop is a 'separate copyrightable component' of the films in which she appears—but held that the present-day Fleischer Studios couldn't prove it actually owned that copyright."

"Establishing ownership of older copyrights is notoriously difficult without proper documentation," Arndt said. "For companies and creators, this highlights the critical importance of maintaining a clear chain of title.

"Copyright assignments, written contracts and agreements are essential for long-term intellectual property security. One of the most effective methods to prove ownership is registering the work with the United States Copyright Office. Registration creates a public record and serves as *prima facie* evidence of ownership, which shifts the burden of proof to others to demonstrate that you are not the rightful owner."

In a story headlined "The Upcoming War Over Betty Boop," *Plagiarism Today* noted that the

The first appearance of a character entering the public domain does not mean all subsequent iterations of the character are instantly fair game for the public.

1930 Blondie, Pluto and Betty Boop can be animated attractions for commercial purposes beginning this year.

Get ready (or not) for "Boop," a horror film version of the character by VMI Worldwide to be, uh, executed by Furst Class Productions.

controversy will likely all be moot soon anyway: The human version of the character will enter the public domain two years from now. Any lawsuit filed now would probably not conclude in time.

"However," Arndt said, "the outcome of such litigation would be instrumental in shaping legal precedent in this area. Courts rarely have the opportunity to clarify the boundaries of character rights, and any decision would influence future disputes.

"Even when copyright protection expires, trademark rights remain enforceable. If Fleischer Studios or its successors maintain active trademarks for Betty Boop's name, likeness or associated branding, those rights can prevent unauthorized commercial use. Copyright expiration does not override trademark law."

Hollywood horrors

Plagiarism Today said the 2011 ruling "puts the Betty Boop character in a very strange place."

Not nearly as strange as where it's headed next.

Get ready (or not) for "Boop," a horror film version of the character by VMI Worldwide to be, uh, executed by Furst Class Productions.

The synopsis: "A team of horror podcast investigators breaks into an abandoned theater to discover the hauntings of the starlet once known as Boop. A simple investigation turns into a horrific bloodbath as they fight to escape the murderous Boop, as she is out for revenge."

Co-producer Jarrett Furst said in a statement, "When I learned this cartoon was entering the public domain, I knew there was something special waiting to happen. ... Get ready for a wildly violent, ridiculously fun ride … and trust me, this is only the beginning."

Ah, but the process of turning adorable into abominable, post-public domain, has already begun.

Arndt noted that "This concept is reminiscent of the 2023 horror film 'Winnie-the-Pooh:

DOMAIN HISTORY AND MATH

The history and guidelines for what is and is not in the public domain aren't quite as confusing as the Betty Boop situation, but not a lot clearer.

Blame—or credit—Sonny Bono.

The former husband/foil to Cher and unlikely U.S. congressman orchestrated the Sonny Bono Copyright Term Extension Act (CTEA), which took all works out of the public domain from 1998 to 2018. Before this, pre-1978 works got up to 75 years of copyright protection, meaning works from 1923 were to enter the public domain on January 1, 1999.

But the CTEA added another 20 years, extending the duration to 95 years and postponing public domain entry to January 1, 2019. That year, works from 1923 became free to use.

Actually, some 1930 works' copyrights expired during 2025. But copyright protection extends through the end of the final calendar year, making public domain entry begin on January 1, 2026.

Highlights among well-known creative works entering the public domain, per copyrightlately.com:

Movies

- "All Quiet on the Western Front"
- "Animal Crackers"
- "Anna Christie"
- "Dizzy Dishes"
- "Hell's Angels"
- "King of Jazz"
- "Monte Carlo"
- "Murder!"
- "The Big Trail"
- "The Dawn Patrol"

Literature

FICTION

- "Cimarron"
- "The Maltese Falcon"

MYSTERY AND CRIME

- "The French Powder Mystery"
- "The Murder at the Vicarage"
- "The Mysterious Mr. Quin"

DRAMA

- "Private Lives"
- "The Green Pastures"

CHILDREN'S/YOUNG ADULT

- "Dick and Jane"
- "The Cat Who Went to Heaven"
- "The Little Engine That Could"
- "The Secret of the Old Clock"

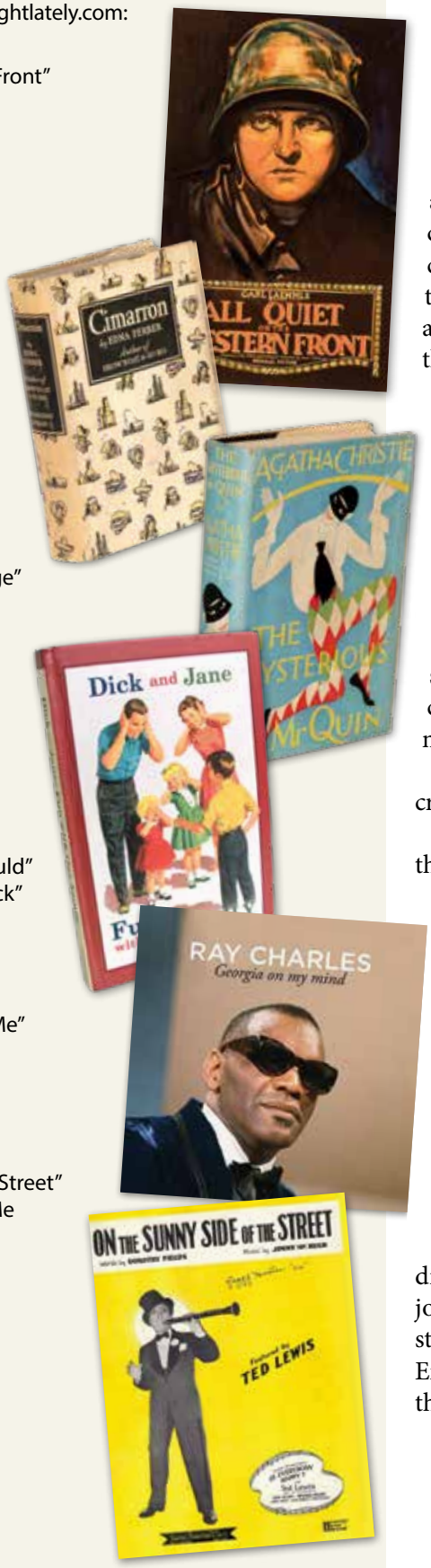
Music

COMPOSITIONS

- "Body and Soul"
- "Dream a Little Dream of Me"
- "Embraceable You"
- "Georgia on My Mind"
- "Get Happy"
- "I Got Rhythm"
- "I've Got a Crush on You"
- "On the Sunny Side of the Street"
- "Please Don't Talk About Me When I'm Gone"

SOUND RECORDINGS

- "Dinah"
- "If You Knew Susie"
- "I'll See You in My Dreams"
- "Remember"
- "St. Louis Blues"
- "Sweet Georgia Brown"
- "Tea for Two"
- "Yes Sir, That's My Baby"



Blood and Honey,' which transformed a beloved children's character into a feral killer. Despite its low-budget production, the film achieved significant popularity, spawning sequels and a merchandising wave that included novelty apparel and collectibles."

The movie "has garnered a significant amount of attention and has become an instant cult classic among horror fans. Despite its controversial premise and low-budget production, the film has found a dedicated audience and has been embraced for its unique take on the beloved character.

"The film's popularity is attributed to its high camp and kitsch factor, amateurish acting, and the promise of one type of film but delivering something different. The film's so-bad-it's-good appeal, coupled with clever marketing, has contributed to its cult classic status and financial success."

Arndt predicted that the horror adaptation of Betty Boop will likely achieve similar cult status. "Given the character's cultural significance, derivative works may proliferate across multiple genres, including adult entertainment.

"Public domain entry often triggers a surge of creative experimentation, for better or for worse."

She also forecasted an AI-related possibility that may or may not be scary.

"As artificial intelligence tools become mainstream, expect a surge in derivative works based on public domain characters. The challenge will be determining originality and authorship when algorithms remix existing content. This will push copyright law into uncharted territory."

The copyrightlately.com piece stands as the best-researched and most authoritative accounting of 2026 Public Domain Day—and the funniest.

Noting that the Watty Piper classic children's book "The Little Engine that Could" joined the PD list this year, Moss wrote: "I started working on a follow-up called 'The Little Engine That Couldn't Be Bothered,' but I don't think I can finish it." ◆

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COLLEGIAL CLOUT

AUTM BEGINS ITS SECOND 50 YEARS OF HELPING TO LEAD UNIVERSITY RESEARCH TO WORLD-CHANGING IMPACTS: BRINGING PRODUCTS TO MARKET, PROTECTING IP

BY REID CREAGER

ALTHOUGH THE golden anniversary of AUTM ended this winter, the worldwide tech transfer force exudes a perpetual air of spring.

Fresh off a series of 50th-anniversary gatherings in 2025, including one last March that drew more than 2,000 attendees to the Gaylord National Resort and Convention Center just outside Washington, D.C., AUTM is proud of its collegial feel. That "vibe" is apropos.

AUTM represents over 900 universities, research centers, hospitals, businesses and government organizations—a global network spanning 60 countries. The nonprofit's prominent role in technology transfer—the process of transferring tech between organizations to facilitate new products and services—has led to innovative outcomes that have changed the world, as well as essential intellectual property protections.

In its promotional video celebrating "50 Years of Community," former United States Patent and Trademark Office Director Andrei Iancu says AUTM "does a great job bringing together the tech transfer offices around the country and more and more outside of the United States as well, helping the tech transfer offices develop their own best practices."

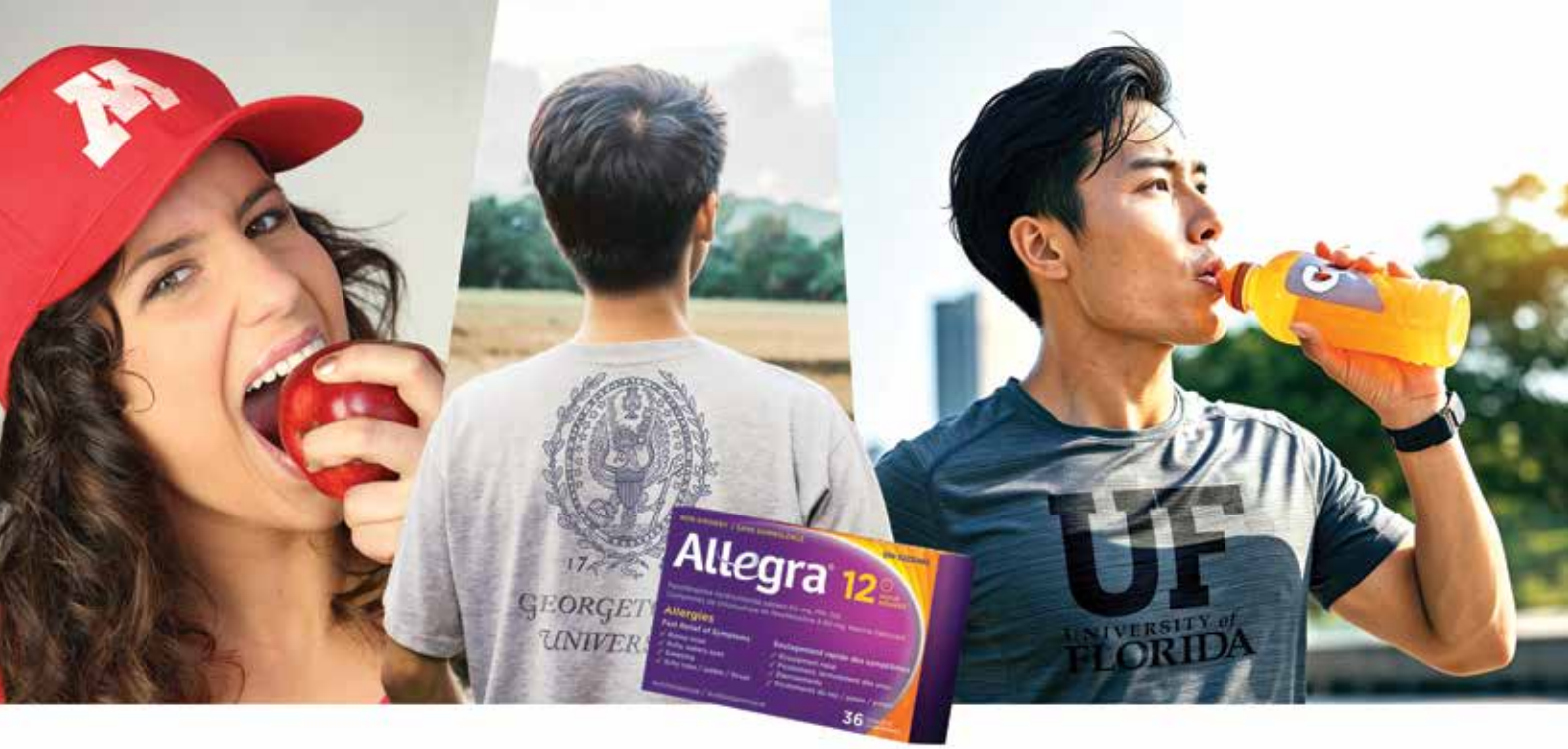
A worldwide reach

When AUTM Chief Executive Officer Steve Susalka recently Zoomed with *Inventors Digest*, sometimes he found it hard to stop talking. That fit, too.

Susalka's articulate responses conveyed the energy reflective of AUTM as an institution that embodies community. He had a lot to say because there were a lot of exciting things to talk about.

He talked about productive, intertwined processes. He talked about reach. He talked about impact. He talked about history.

"You name the university, you name the hospital, you name the research institute, and we likely have at least one or more tech transfer professionals in those institutions," he said.



A shining example of the crucial role in tech transfer as an agent for bridging the gap between discovery and bringing a product to market is the COVID-19 epidemic.

"Every U.S.-approved COVID vaccine had its roots in academic or government research," Susalka said. (A study published in The Lancet Infectious Diseases in London estimated that COVID-19 vaccines helped avert 19.8 million deaths worldwide during the first year after vaccination campaigns were initiated.)

In fact, the majority of funding at institutions comes from the federal government. "Along the course of doing research, you have some serendipitous events where inventions are created. You would be stunned to know the number of inventions we use every day that actually arose out of institutions.

"If you've ever eaten a Honeycrisp apple, you can thank the University of Minnesota because they developed that. If you've got seasonal allergies and you take Allegra, that came from Georgetown. Everybody knows Gatorade came from the University of Florida. The N95 masks that were used during COVID came out of the University of Tennessee."

Investment by the federal government leads to research, which leads to inventions. But not all researchers and/or scientists want to start a company.

That's where tech transfer comes in.

"Tech Transfer is an office that resides in virtually every research-intensive institution," Susalka said. "The responsibility of that office is to evaluate inventions, protect them—likely with patents, sometimes copyrights, sometimes other types of intellectual property protection, and then ultimately license them out. You don't buy Allegra from Georgetown. You buy it from Sanofi, the company they did the deal with.

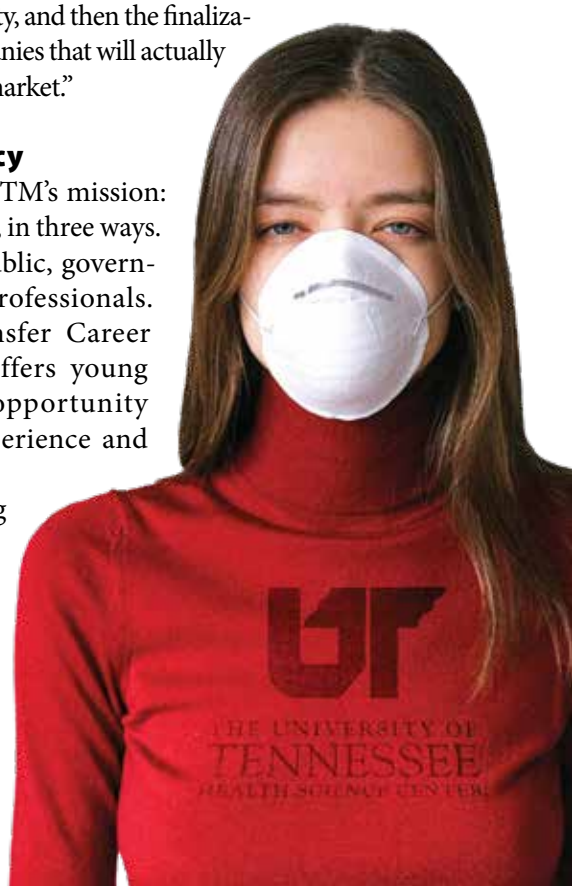
"Our professionals are responsible for the evaluation of about 25,000 invention disclosures in the U.S. alone, the filing of patent applications or other types of intellectual property, and then the finalization of licenses with companies that will actually take those inventions to market."

AUTM's prominent role in technology transfer—transferring tech between organizations to facilitate new products and services—helps enable university discoveries to come to market: the Honeycrisp apple, Allegra, Gatorade, COVID masks and many more.

The Bayh-Dole legacy

Susalka summed up AUTM's mission: turn research into impact, in three ways.

- Education—of the public, government and AUTM professionals. Its Technology Transfer Career Training Program offers young professionals the opportunity to gain practical experience and knowledge.
- Promotion—making people aware of tech transfer's impact, including advocacy on Capitol Hill to support inventors and new technologies.



- Networking—connecting AUTM professionals with other professionals, companies and investors who are important to innovation.

Susalka finds the education component especially important—"a blend of science, business and law. Virtually nobody has a science, business and law degree, right? That's what very much makes us an on-the-job, teaching type of organization and a big part of who we are."

The AUTM mission, ever evolving in the context of new technology such as AI and constantly varying funding opportunities at the federal level, is heavily influenced by landmark federal legislation from 1980 that was a game-changer for institutions' intellectual property rights.

The bipartisan Bayh-Dole Act of 1980 established a framework for the ownership and commercialization of inventions originating from federally funded research. Its impact cannot be overstated in terms of public health benefits and IP freedoms.

Over 200 drugs approved by the U.S. Food and Drug Administration have started in university laboratories since the Bayh-Dole Act was enacted. The legislation provided unprecedented motivation for universities, research centers, hospitals and businesses to innovate for the public good.

"Let's take you in the Wayback Machine, five years after we were formed," Susalka said. "If an invention was funded by the federal government in whole or in part, that invention was owned by the federal government.

"Say you're at Indiana University, you're an inventor, and you come up with some new compound that might treat prostate cancer.

A global network spanning 60 countries, AUTM held a training session in Hong Kong in early December (bottom of page).

"You name the university, you name the hospital, you name the research institute, and we likely have at least one or more tech transfer professionals in those institutions."

—STEVE SUSALKA, AUTM CHIEF EXECUTIVE OFFICER

But you were funded by a National Institutes of Health grant. You had to basically write down that invention and send it to some bureaucrat in Washington who was responsible for commercializing that invention. You could not apply for your own patent.

"So, research wasn't being translated into impact. The government doesn't know the invention like the inventor does, and there's no incentive for the inventor to help because they don't get anything out of it. It's not even theirs to start with."

The myriad real-world applications and economic benefits realized by Bayh-Dole has also spawned countless startups that now have important motivation through control of what they have created.

Unique village

Motivation fuels the added desire to create something better than anyone else can. AUTM is a unique collection of universities and other institutions competing against one another—but in a collaborative way.

The proverb "It takes a village" reflects the importance of family and community in achieving big-picture results. AUTM is the village people.

"Networking is probably AUTM's greatest contribution, its secret superpower," said Rodney Ridley, Alvernia University's vice president of research, economic development and innovation, in AUTM's 50th-anniversary video. "It's where you come to learn from each other ... so even though we're at rival institutions, you don't see fighting among tech transfer professionals."

Ellen MacKay, director of innovation development at Lakehead University and an AUTM board member, said: "It's about finding your people—and that's what's going to make the difference when you're back in your office and you have a bunch of questions that you don't know the answers to."

Members of this unique college of knowledge and action will gather February 8-11 at the Seattle Convention Center. They will launch another 50 years of camaraderie, collaboration and clout with the hope of bettering the world.

Details: autm.net

BRIGHT IDEAS

HeatArmor

PUSH-BUTTON HEATED VEST

thermowearpro.com

With five strategically placed heating pads, HeatArmor wraps you in warmth. Just press the button and hold for 3 seconds and pick the setting—low, medium or high.

The makers of this lightweight, machine-washable vest say it can warm up in three seconds, ready to use right out of the box, with a charge that can last 8 hours from a 10,000mAh USB power bank (takes 2-3 hours to charge). Low gives a 7-8-hour charge, medium 5-6 and high 3-4.

The vest is made of water-resistant, tear-proof fabric. Other features include custom temperature control and overheating protection.

HeatArmor retails for $399.

Kode Dot

POCKET-SIZED FULL MAKER TOOLKIT

kode.diy

An open-source, all-in-one device to build and create ideas, Kode Dot comes with an ESP32-S3 microcontroller, AMOLED touchscreen, sensors, battery, storage, Wi-Fi, Bluetooth, mic, speaker and GPIO expansion header built in.

Code, upload and demo without clutter, breadboards and limits. Kode Dot integrates NFC and 125kHz RFID modules, operating in low-frequency and high-frequency ranges. It connects to AI models like GPT or Gemini, turning your voice commands into real-time responses through the speaker or into GPIO actions through connected hardware.

Kode Dot (projected $169 retail) is to be shipped to crowdfunding backers in July.

Trident

3-LEVEL TITANIUM ZIPPER LOCK

titaner.com

Trident's triple-layer mechanical locking system, with its titanium core, is said to facilitate no accidental release, rattling, noise or rust.

When Trident is in the locked state, press the ruby button and pull out the locking pin as you release it. Reinsert the pin into the core to achieve Level 1 locking.

Gently slide the switch to activate Level 2 locking. At this stage, the ruby button alone can't unlock it. Level 3 locking features a hidden feature. The first users who uncover it receive a mystery gift.

Trident can also be worn as a necklace and works as a mini pry bar, box cutter, flathead screwdriver and more. It will retail in the $125-$266 range, with shipping to crowdfunding backers set for April.

PowerUp Dart

APP-CONTROLLED PAPER AIRPLANE

poweruptoys.com

PowerUp Dart is a conversion kit for paper planes that results in a plane that does tricks through your smartphone.

Fold your plane however you like, then attach the DART module to your paper plane, connect it to your phone, and take off. You can perform acrobatic twists with the flip of your wrist.

Instructions tell you how to perform maneuvers that include the wingover, barrel roll, spin, loop, scissors, hammerhead and more. Standard kits also include takeoff and landing gear.

Choose from six different planes, depending on your preferences for speed and acrobatics. The standard model in blue with the full gear kit retails for $59.

"If you always do what you've always done, you'll always get what you've always got."

—HENRY FORD

10

QUESTIONS WITH

SCOTT PUTNAM

INVENTOR, COACH DISCUSSES HIS EXPERIENCE VENTURING ON HIS OWN, AS WELL AS LICENSING

BY APRIL MITCHELL

I'VE HAD THE PLEASURE of knowing toy inventor and Inventor's Edge founder Scott Putnam for several years and have always been impressed with him, his work, and outlook on life.

Scott has been an inventor and product licensing coach for many years. He's not only licensed his own products but has brought a product to market and helps other inventors do so as well.

From pitching his product—Swat-N-Scoop, a bug swatter with a built-n scoop—on live TV to authoring a book, Scott shares his insight with us.

When you started out with Swat-N-Scoop, what was your goal?

My original plan was to license it, and I went through all the steps necessary to get it in front of companies the right way.

When did you decide to manufacture it on your own, and why?

As I was pitching the product for licensing the feedback was all very positive, but companies were asking for a real sample they could try out. All I had was my very fragile prototype that was 3D printed. This was about the time I met a fantastic mentor who had been developing products and importing them from China for many years.

My focus had always been on licensing and never seriously considered venturing. He shared his expertise and industry contacts with me while guiding me through the process. He was transitioning toward retirement and was willing to offer me his Rolodex of contacts.

My entire world opened to the possibilities I wasn't even aware of, since my focus was so intent on the licensing model. Once I realized it was not going to cost nearly as much as I imagined, I decided to go for it.

At this point, I felt confident with the positive feedback received from the industry after pitching for licensing. I was very close to a licensing deal with a large company but ultimately, they wanted me to bring more to the table.

Having a mentor is so important and proved to be exactly what you needed at the time. Talk about the process of manufacturing and selling your own product.

It was a lot more fun than I thought it would be, and much less scary due to having a good guide and mentor. I was lucky that I was handed the keys to the kingdom with taking over his long-established factory contacts.

This made the process so much easier. Because I was venturing the product, I needed to be sure the runway was clear in terms of the patent.

It's become clear why companies are so concerned with the IP. They don't want patent

PHOTOS COURTESY OF SCOTT PUTNAM

infringement lawsuits and I certainly didn't, either, so I filed a utility patent—which I was granted about three years later. In the meantime, we moved forward with package design, display pieces, material specs, engineering and figuring out case packs and how the inner cartons would be set up. The factory was fantastic at helping with all of this.

Once the Swat-N-Scoop was manufactured and ready to sell, how did you get it to the retail spaces—and what was your process?
I started with retail stores, then decided to get set up on Amazon. For retail, I started locally with independent Ace Hardware stores and a farm and fleet store, as well as grocery stores.

Once I had distribution in a few stores, it was easier to add more. No one wants to be first to jump in the pool and find out it's ice cold! To do this, with the help of my seasoned mentor, I created pricing programs for retail, distribution and rep groups, and learned how to work all of the numbers so everybody makes money.

This is where you need to know your numbers as early as possible. Whether you're licensing or venturing, trust me: The numbers matter.

Companies are going to be assessing the opportunity largely based on margins. It must be a good fit, of course, but the real opportunity for you and the company lies in the numbers.

I pitched to retailers with a one-page sell sheet and video. Then I sent samples and pricing, which felt good to be able to send. For so many years with licensing, I've had that request but could not fulfill it.

From there, it was a matter of getting purchase orders and fulfilling them. There's a lot to learn about becoming a vendor, and it was like learning a new language with some of the vendor forms.

I feel like I gained a master's degree in business going through this process!

You eventually also got a licensing deal for Swat-N-Scoop while continuing to sell it yourself. How did this happen, and is this something you find typical in the industry?
My first licensing deal with Swat-N-Scoop was ignited at my first trade show, where I met up with Jonah White, the founder of BillyBob Products. I had met him several years earlier as a contestant for his "Gags to Riches" TV show, which is kind of like the redneck version of "Shark Tank."

We had a nice conversation, and I noticed him intently studying the product. Then he mentioned he was impressed that I had brought a product to market and captured distribution in several stores without attending even one trade show until now.

Scott Putnam is the inventor of Swat-and-Scoop, said to be the first combination bug swatter and scoop. His company, Inventor's Edge, helps people and inventors interested in bringing their products to life in different ways.

"Whether you're licensing or venturing, trust me: The numbers matter. Companies are going to be assessing the opportunity largely based on margins."

He asked if I would be open to licensing this to him. He mentioned he would like to change the design and had been looking for new pest control products to expand his growing product line.

I could not think of one reason not to do this, since it would be a non-exclusive and I could keep selling my product as I wanted. I

Agreed, and we inked a deal over the next few weeks.

Essentially, I just created my first competitor, but I'm making money on every sale they make. It's been a great experience, and I love being with a growing company so committed to pushing sales forward. Jonah is an amazing guy!

I realized that by venturing my product, it took the vast majority of the risk out of the equation for companies interested in licensing.

I believe for anyone who has been trying to license and not having luck, you can exponentially increase the odds of licensing by moving your product further down the development cycle and ideally selling some units. This puts you in a much better position because you can now go with the flow of their business model and could potentially create additional opportunities, as it has for me—such as co-branding, white labeling and possibly gaining additional licensing deals or be featured on shows like "Shark Tank."

More recently, I licensed to a second company that is taking on the brand and expanding distribution into more markets. It's helped free up my time to focus more on Inventor's Edge, where I can help people interested in bringing their products to life.

Why did you start this company to assist inventors?

After coaching with InventRight full time for eight years, I decided to start my own company to take my experience working with over 500 people globally to the next level by helping people bring ideas to market in more than one way.

I love coaching and consulting. For me, it's all about the person, which is why I named the company Inventor's Edge: It's about the inventor first, then the product. As a certified life coach, I love working with people to help them go beyond where they thought they could.

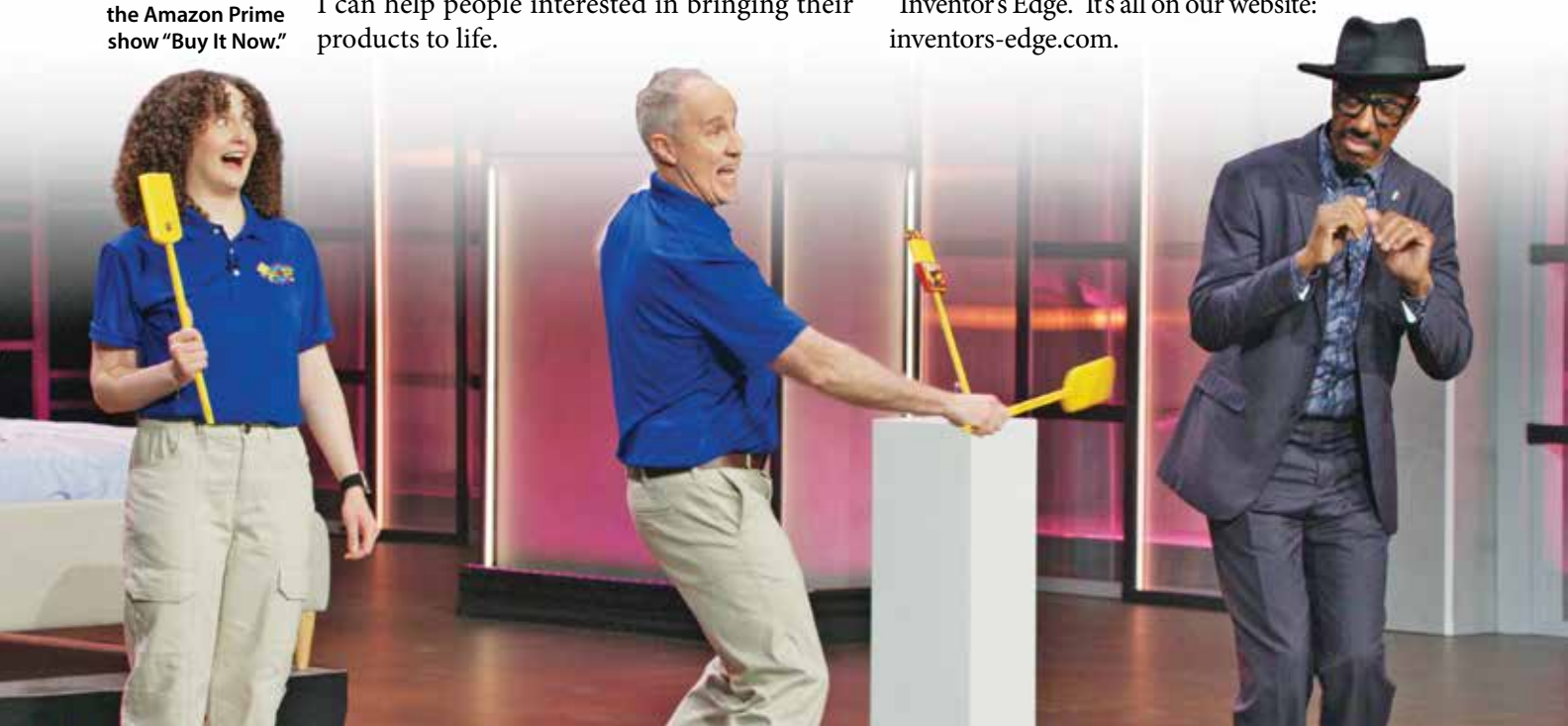
What is your basic strategy?

The approach I like best is: Let's give licensing a shot as Plan A, and see if we can get an easy win. If not, at least you'll gain some great feedback and industry contacts.

Then if it makes sense, Plan B will be to do something I call "Venturing Light," where you don't have to sell everything you own to bring your product to market yourself.

A simple product may not cost as much as you think to manufacture, and you can get it on Amazon and other e-comm platforms fairly easily. From there, it will be easier to get it into retail stores because you'll have proven sales, reviews, etc.

I can help people through all of this and support inventors with one-on-one coaching, online courses, group coaching/membership, weekly blog, and a podcast called "Inventor's Edge." It's all on our website: inventors-edge.com.



Paige and Scott Putnam pitch the Swat-N-Scoop with host J.B. Smoove on the Amazon Prime show "Buy It Now."

"I believe for anyone who has been trying to license and not having luck, you can exponentially increase the odds of licensing by moving your product further down the development cycle and ideally selling some units."

You are also a recently published author. What similarities may there be with inventing or designing a product, and getting that into the world?

In 2013, after a wakeup call from my doctor, I learned about the benefits of plant-based eating and have never looked back.

It feels good to eat in alignment with my value systems. I've always loved animals and looked for ways I can contribute to saving the environment. I was a happy carnivore and had no plans to change my eating, but the universe had other plans for me.

I recently published a book titled "Revenge of the Herds: How the Animals We Eat Create Their Unintended Revenge." This was five years in the making, and there are a lot of similarities to getting a product in the world.

First, you have to have a strong and compelling "why" for doing it in the first place. Resilience and perseverance are required to see it through. Expect to get knocked down over and over, with an unwavering commitment to getting back up every time.

Without a strong commitment to seeing the process through, it's just too easy to give up and let it go.

What advice do you have for inventors trying to decide whether to manufacture their own product?

There's a reason we have creative ideas, and they always seem to tap us on the shoulder. It's too easy to ignore this and stay in our comfort zone, binge watching on Netflix.

The real question is, when are we going to do the things that scare us? In my opinion, this is where life really begins … just outside the comfort zone.

Making the decision to take the plunge to venture the product yourself depends on a lot of things.

First, be sure to have a good understanding of what's involved so you know what you're getting yourself into. We've all heard the nightmares of having a garage full of product they can't sell. Having it made is not the hard part, and a garage full of product is OK as long as it moves out of your garage.

Look at the numbers and make sure you have good margins. Know your category well, and be sure your IP is locked up, or will likely be soon. Working with good people can help you navigate this process.

Best advice? Get help from those who have been there. Be careful with any companies that promise you the moon. Research any company you're thinking about investing in.

There are no guarantees, even after you get product into stores. Your product has to sell. Do your homework and when you feel this is the best opportunity for you over any others, then it makes sense to go for it.

Anything else that wasn't covered today?

Venturing can lead to things you can't imagine. For example, my daughter and I were featured on Amazon Prime Video's show, "Buy It Now" (Episode No. 2). We had 90 seconds to pitch Swat-N-Scoop to a live studio audience as part of a contest.

You want to talk about stretching your comfort zone! It was an amazing experience for both of us and incredibly fun to tell the story of the product and our journey. It's all part of the adventure of life, and it's usually the stuff that scares us the most that hides our biggest opportunities.

Don't wait for "someday" to give the world your gifts. There's no time like the present. You got this, and you deserve it!

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.

3D Printer: Our New Toy

WILL TINKERTOY'S ICONIC ASSEMBLY PROCESS AND LEGO'S MORE BUILD-FRIENDLY MODULE BECOME OUTDATED?

BY JACK LANDER

MORE THAN A CENTURY AGO, a fellow named Charles Pajeau observed kids playing with sticks and spools. He imagined an improved version having more holes and sticks that fit them better than the home version from local trees.

He hand-machined his version—the first prototype of what became the famous Tinkertoys.

Pajeau found a marketing partner, Robert Petit, and they founded "The Toy Tinker." Although the company has passed through several hands since its founding in 1914, you can still buy a variety of Tinkertoy sets ranging from $29.95 to $59.95. Today's versions include electric motors and other changes that facilitate the assembly of elaborate mechanisms.

A market span of 111 years for almost any toy is a darned good run. But is the life of the Tinkertoy market nearing its end?

I believe it is.

My reasons, from a prototyping perspective:

- Tinkertoy is an assembly process, as opposed to the additive manufacturing process known as 3D printing that produces 3D objects by depositing materials in layers on the base material via a computer-controlled process (or removing object parts to create a new product, called subtractive manufacturing). Its user assembles stock components, which have limits, and when assembled are not as functionally or aesthetically pleasing as items made by the subtractive or additive process turned on a lathe or plastic-injection molded.
- The spool was the only module Tinkertoy had. The sticks were merely a random-variety "refinement of nature." What was needed to update the Tinkertoy limitations was a new module that offered a more adaptable shape and size with the holes and shafts (as opposed to holes and sticks).
- The spool would have to go, in favor of a new rectangular shape.

Lego broke the mold

A small company in Denmark had essentially the same idea, producing and eventually molding a rectangular module in various sizes. But the modules, when stacked, slid past each other, and the building collapsed. The company's founder, Ole Kirk Christiansen, decided to add the "sticks" to the module in the form of short, precise, round bars—plugs, you might call them.

Success! The utility of the new module attracted toy buyers, and, over time, the company chose the name Lego—taking the first two letters from the words leg and godt, meaning "play well."

This little Danish company, founded in 1932, eventually became the largest toy company in the world.

Today, some 40 years after the 3D printer's invention, it can be used to create custom Lego pieces and mini figures that aren't available in stores. Will the 3D printer displace Legos and become the toy of current and future generations?

Hard to say.

With its teaching power and future in construction of the components for industry, construction and medicine, 3D printing would seem to be consistent with humankind's future. So, it is a training ground that can serve as a toy for kids, and later, for their mental growth as they mature.

That said, Legos are ready to assemble into a fine castle or battleship. And there will always be kids who lack the patience to study and learn the art of the more sophisticated "toy"—3D printing.

Building on a concept

I recently happened to catch a video on the construction of a huge complex of rock buildings.

The uppermost layer was around 18 inches wide. An arm ejecting mortar followed each building top around all four corners, then paused as it transferred to the next building—at which it repeated the process.

It occurred to me that this is 3D printing. Did this programmed ejection of mortar precede today's 3D printing machinery? Or is it an extension of 3D printing?

An arm following a prescribed path is not new. Ejection of ink, mortar, or paint is not new.

I say we must admit that rather than being novel, as demanded for obtaining a patent, these two uses of computer-programed ejection of a liquid are natural extensions of well-understood art—clever though they may be.

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.

A New Era for Patent Review

HOW INVENTORS WILL BE AFFECTED BY THE USPTO DIRECTOR'S RECLAIMING OF AUTHORITY IN CHALLENGES

BY ANDREA L. ARNDT

THE U.S. PATENT and Trademark Office has entered a new chapter that could reshape how American inventors protect their ideas.

In October, USPTO Director John Squires reclaimed direct authority over decisions to institute patent review proceedings, including *inter partes* reviews. (*Editor's note:* IPRs allow a third party to challenge the validity of one or more claims in an issued patent before the Patent Trial and Appeal Board.)

For the first time in more than a decade, the final decision on whether a patent challenge moves forward rests with the director rather than a rotating panel of administrative patent judges at the PTAB. Combined with newly proposed rule changes that would make it harder to file repeat or parallel challenges against the same patent, the system is shifting in ways that may strengthen issued patents and significantly alter enforcement dynamics.

For independent inventors and patent owners, these reforms promise more predictability but also introduce new strategic considerations.

Rewriting recent history

Since the PTAB's creation in 2012 under the America Invents Act, IPRs have been a useful tool and a source of frustration.

Designed as a faster alternative to litigation, they often opened the door to serial challenges by multiple petitioners. Many patent owners, especially individual inventors, faced repeated reviews of the same claims.

By reclaiming decision-making authority, Director Squires centralizes discretion within a single accountable office, reducing inconsistent outcomes. This move reflects a deliberate push for uniformity and transparency. For inventors blindsided by unpredictable institution decisions, the shift promises a more consistent, policy-driven review environment.

The proposed rules amplify this shift by limiting when and how IPRs may proceed.

If a claim has already been reviewed and upheld in a PTAB proceeding, federal court, by the International Trade Commission, or in an *ex parte* re-examination, the USPTO may decline to institute a new IPR on that claim. Once a claim survives a full validity review, it becomes substantially insulated from further administrative challenges.

The USPTO also proposes expanded estoppel: Petitioners must stipulate they will not pursue anticipation or obviousness arguments elsewhere if an IPR is instituted.

This goes beyond current law by preventing challengers from reusing invalidity arguments in district court once an IPR begins.

For inventors, this means patents that survive review gain enhanced value for licensing, investment or acquisition. It may also reduce the cost and burden of post-grant disputes, because fewer parties can challenge the same claims in separate actions.

New considerations

Added stability brings new strategic aspects. Inventors must be more aware of how their patents are used in the marketplace and their history of enforcement or licensing.

Patent owners should document commercialization, partnerships and investments tied to their patents to strengthen arguments that reopening review would disrupt market reliance.

Meanwhile, challengers face pressure to act early. Companies that rely on IPRs to manage litigation risk may accelerate their filings to ensure access to PTAB review before patents gain added protection through litigation or a first IPR.

Defendants may also coordinate joint defense strategies or pursue declaratory judgment actions to preserve options. These shifts could push more disputes back into federal courts, increasing costs and timelines.

One controversial aspect of the proposal involves the impact on non-practicing entities (NPEs), which do not produce goods or services related to their patents.

If the rules are adopted as drafted, an NPE that succeeds in defending its patent in a single review could effectively insulate that patent from further administrative scrutiny. Future defendants may find themselves unable to raise strong prior-art challenges at the PTAB, leaving them to battle in district court—where costs are higher and timelines longer. This dynamic could increase settlement pressure on accused infringers and result in more aggressive enforcement campaigns.

Mixed reactions

The potential outcomes illustrate why the reforms have drawn both praise and criticism.

Supporters believe the changes correct years of instability and protect legitimate inventors from repeated, expensive attacks. Critics argue that the USPTO may lack authority to impose such broad limits on invalidity challenges and caution that the strengthened framework could unintentionally empower actors who exploit barriers to review.

Despite these debates, the overall direction of the USPTO is unmistakable. The agency is prioritizing patent stability, curbing serial challenges and returning greater control over post-grant review to the director's office. For inventors and patent owners, this presents an opportunity to reinforce the value of their patents and operate within a system that increasingly favors the certainty of issued rights.

Inventors and patent owners should prepare for this new landscape by reassessing their patent portfolios. Patents that have already survived validity challenges may become particularly powerful assets. Filing continuation applications to broaden claim coverage may be advantageous when the underlying patent is likely to gain added protection from future IPRs.

Inventors should also ensure that their licensing agreements protect against misuse by third parties who might pursue aggressive enforcement strategies that reflect poorly on the original owner.

Patents that have already survived validity challenges may become particularly powerful assets.

What's ahead

Whether or not the final rules mirror the proposal, the shift in institution authority is already in effect. With Director Squires now overseeing all IPR institution decisions, the system has entered a new era emphasizing consistency and accountability.

These reforms represent the most consequential evolution in post-grant practice since the America Invents Act. For inventors and patent owners, they promise stronger patents and greater clarity, alongside the responsibility to adapt their strategies to a system that increasingly rewards early action, detailed recordkeeping and proactive portfolio management.

As the rules of the game change, innovators and patent owners must stay informed and ready to protect their ideas under this emerging framework.

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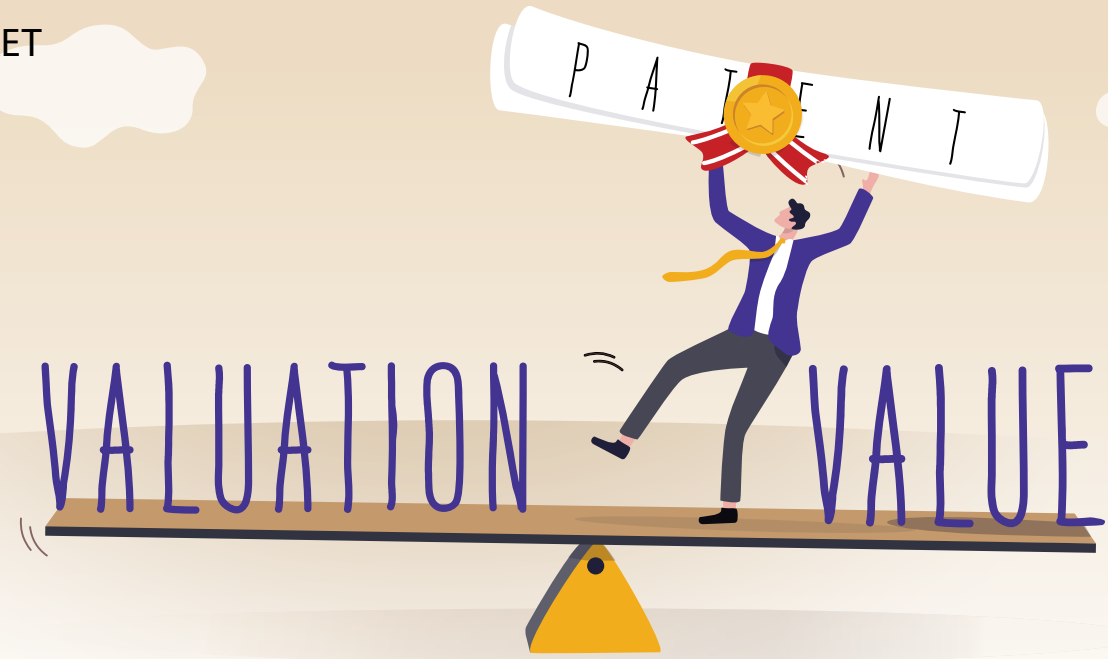


Your Patent Reality Check

CONFUSION ABOUT VALUATION VERSUS VALUE SETS UP MANY PATENT OWNERS FOR MASSIVE DISAPPOINTMENT

BY LOUIS CARBONNEAU

EVERY WEEK, without fail, an inventor walks into our virtual office at Tangible IP clutching a valuation report like it's Willy Wonka's Golden Ticket.

The document, usually prepared by a firm that has never actually sold a patent, proclaims the modest portfolio to be worth between $10 million and $50 million. Then comes the awkward silence when we explain that the market will likely pay a small fraction of that amount—if we're lucky.

As someone who has personally brokered well over 5,000 patents, I've witnessed this scene play out more times than I can count. It never gets easier.

So today, I want to tackle head-on the persistent confusion between patent *valuation* and patent *value*—two concepts that inventors, investors and even some seasoned IP professionals continue to conflate to their considerable detriment.

Consider this your reality check, delivered with the tough love that only someone who lives and breathes this market every day can provide.

The paper pratfall

Let's start with the fundamentals.

When a valuation expert prepares a "paper valuation," he or she typically relies on the income-based method. The math goes something like this: Take the patent owner's current and projected sales, assume the patents contribute roughly 25 percent to those revenues (the so-called 25 percent rule that has taken on near-mythical status, much like Bigfoot but with better documentation), then build a discounted cash flow model projecting out 10-plus years.

Factor in some technology obsolescence discounts, bring it back to present value, and voilà—you've got a number that looks impressive on paper and nowhere else.

The problem? This model rests on a foundation of assumptions that rarely materialize in the real world. It assumes the company will actually achieve those hockey-stick revenue projections. It assumes the patents will remain relevant and enforceable for a decade or more (increasingly unlikely in today's fast-moving technology landscape). It assumes the patents

will successfully deter competitors and maintain barriers to entry (good luck with that in the current enforcement environment).

Most important, these valuations represent the theoretical value to the patent owner—not what any third party would actually pay to acquire those assets.

That distinction is everything. It's like valuing your house based on how much you love it rather than what buyers are actually offering.

Statistical realities

For the unvarnished truth about patent prices, we turn to the data—specifically, the comprehensive market reports published by our good friends at Richard Oliver Insights, which has been tracking the brokered patent market since 2012.

The numbers paint a sobering picture.

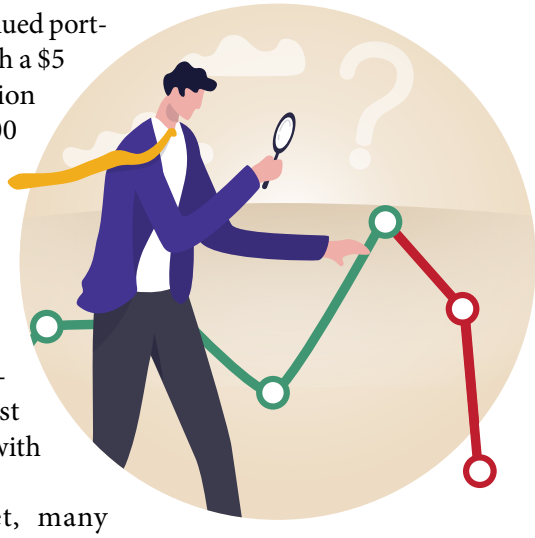
The 2024 brokered patent market totaled approximately $158 million—roughly in line with 2022 and 2023. Although Richardson Oliver has tracked over $38 billion worth of patent assets offered for sale since it began monitoring the market, the harsh reality is that only about 21 percent of packages brought to market actually sell.

Let that sink in: Nearly 4 out of 5 patent portfolios fail to find a buyer at any price, and those are the few ones that brokers bring to market. If real estate agents had these numbers, they would be looking for new careers. (For the record, Tangible IP transacts close to 100 percent of the patents we take under brokerage).

Average asking prices have hovered in the $200,000 to $300,000 range per U.S. issued patent in recent years—and remember, asking prices typically exceed closing prices, much like that "firm" listing price on your neighbor's house that somehow dropped 15 percent before sale.

At Tangible IP, we commonly see patents transact in the range of $150,000 to $350,000 per asset for decent-quality portfolios with demonstrable infringement. Many sell for considerably less, especially larger portfolios where there is a lot of "fluff" once you look beyond the few deal drivers.

The million-dollar-per-patent deals you occasionally read about in the press? Those represent the extreme exceptions, not the rule—the patent equivalent of winning the lottery while being struck by lightning.



Even a modestly valued portfolio of 10 patents with a $5 million paper valuation might fetch $500,000 to $1.5 million on the open market—if it sells. That's a 70 percent to 90 percent haircut from the valuation report sitting in the inventor's drawer. At least haircuts often come with a nice scalp massage.

And don't forget, many buyers will keep their power dry for litigation and only offer a small amount of cash at closing, the rest being anchored on a revenue-sharing scheme where the seller shares both rewards … and risks.

This paper valuation model rests on a foundation of assumptions that rarely materialize in the real world.

Why the huge disconnect?

The gap between paper valuations and market prices comes down to one fundamental truth.

Buyers don't purchase patents for their theoretical income potential. They buy patents for their assertion value—the ability to collect royalties from entities that are using the patented technology without authorization. Everything else is academic.

This shifts the entire calculus.

A buyer isn't asking, "How much revenue could this patent generate for an operating

business?" He or she is asking a much more specific set of questions: Who is infringing? Can we prove it? Will the patents survive validity challenges? What are the likely damages? What will it cost to litigate or license? What's the probability of success? And, most important: Is this going to be worth the inevitable headache?

Here's where the Patent Trial and Appeal Board comes in as the great equalizer—or more accurately, the great destroyer of patent value.

USPTO statistics show the total invalidation rate at the PTAB climbed to 71 percent for the first two quarters of 2024 and remained at that level until a few months ago. That means if your patent gets challenged in an *inter partes* review and the petition is instituted, there's roughly a 70 percent chance that all challenged claims will be found unpatentable.

Only about 6 percent of patents survive an IPR unscathed. Chief Judge Randall Rader famously called the PTAB a "death squad" in 2013, and the patient hasn't exactly recovered since.

The last few months have given inventors reason to hope, however. Since USPTO Director John Squires took personal control of all IPR institution decisions on October 17, 2025, the landscape has shifted dramatically.

As of early December, of 105 IPR petitions fully processed under his centralized review policy, only four of these challenges have been granted institution—an institution rate of approximately 4 percent. But his approach is being challenged in court, and time will tell whether this new trend will continue.

For now at least, any sophisticated buyer still factors this potential gauntlet into his or her price calculations.

A patent that might theoretically be worth $10 million in damages becomes worth far less when you apply a 70 percent-plus risk discount for PTAB invalidation, add millions in litigation costs, account for multi-year delays, and factor in the reality that most serial infringers will fight tooth and nail rather than pay a license. They'd rather spend $5 million defending against your $1 million claim, just to send the message that suing them isn't worth anyone's time.

The 99% problem

Perhaps the most sobering statistic: Of all the portfolios we review at Tangible IP—and we look at approximately five new portfolios every day—we can realistically transact about 1 percent to 2 percent of them. The others have no meaningful market value whatsoever.

Yes, you read that correctly. We are basically in the business of disappointing people professionally.

Why? Because most patents simply aren't being infringed—or if they are, the accrued damages are minimal and future infringing activities are speculative. Others have fatal validity issues lurking in the prior art like a tax auditor waiting patiently in the shadows.

Still others fall victim to the 2014 *Alice* Supreme Court decision and its progeny, rendering software and business method patents essentially unenforceable.

Many patents are drafted so narrowly or with such weak claims that designing around them is trivial. Sometimes, a competent engineer can do it over lunch, or have divided infringement issues.

This isn't how things were a decade ago. Back then, buyers would occasionally acquire patents for their "futuristic" value—betting that the market would eventually adopt the patented technology. That speculative buying has essentially disappeared.

In today's patent market, there are no futures, only the present. And the present demands clear evidence of infringement, quantifiable damages and defensible validity.

3 valuation methods

For completeness, let me briefly outline the three generally accepted methods for valuing patents—and explain why only one reflects what you'll actually receive in a sale.

The Income Method is what I described above—projecting future revenue streams attributable to the patent and discounting to present value. It produces impressive numbers that bear little relationship to market reality. Excellent for PowerPoint presentations and investor pitches; less excellent for actual transactions.

The Cost Method values patents based on what it would cost to recreate them—essentially the R&D investment plus prosecution costs. If you spent $10 million developing a technology and $100,000 obtaining patents, the cost-based value is closer to $100,000, not $10 million. The technology cost is sunk; the patent is what you're selling.

I know, I know—all those late nights in the lab should count for something. The market respectfully disagrees.

The Market Method looks at comparable transactions—what similar patents have actually sold for, if you can find one. This is the only method that reflects reality, but it requires access to transaction data that most patent owners don't have.

This is where brokers like us add value: We know what the market is actually paying. And we've learned to break the news gently.

So, now what?

What's an inventor or patent owner to do with this information?

First, understand that a paper valuation—however professionally prepared—is not a price tag. It's a theoretical exercise useful for certain financial and strategic purposes, but it will not determine what buyers will pay. Framing it and hanging it on your wall won't change that.

Second, before you spend significant resources trying to monetize your patents, get a realistic market assessment from someone who actually operates in this space. We review portfolios daily and can quickly tell you whether your patents have commercial potential.

Third, manage your expectations. The headline-grabbing patent verdicts you read about—the billion-dollar jury awards—represent a tiny fraction of patent assertions, and even those are typically reduced dramatically on appeal or reversed entirely.

For every spectacular win, there are thousands of patents that never generate a dollar for their owners. The press doesn't write stories about those.

Finally, if you're serious about patent monetization, recognize that success requires a combination of strong patents, clear infringement evidence, defensible validity and either the stomach for litigation or the patience to find the right buyer.

Most patents lack one or more of these elements. It's like dating. You need more than just a nice smile.

Tangible IP can realistically transact about 1 percent to 2 percent of all patent portfolios reviewed. The others have no meaningful market value whatsoever.

Can patents have significant value? Absolutely! We've brokered portfolios that have generated life-changing returns for their owners. But those success stories share common elements: demonstrable infringement by well-resourced targets, patents that can withstand validity challenges, and realistic pricing that accounts for the risks and costs of enforcement. And some level of luck!

The gap between patent valuation and patent value isn't going away anytime soon. But understanding that gap—and pricing accordingly—is the first step toward realizing returns from your intellectual property.

Remember: The market doesn't care about your feelings or your valuation report. It only cares about what it's willing to pay.

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.

Found No Prior Art? **Think Again.**

BEFORE YOU CAN SATISFY A PATENT EXAMINER ON THIS ISSUE, YOU MUST MEET 3 REQUIREMENTS **BY GENE QUINN**

I AM FREQUENTLY told by inventors that they have done a patent search and cannot find anything that remotely resembles what they have come up with. Though there are many reasons for not finding prior art, just because you do not find it does not mean there is none to be found.

In fact, it would be extremely rare (if not impossible) for there to be an invention that does not have any relevant prior art.

Prior art is best understood as information that can be used by a patent examiner to reject claims in an application. Anything similar or in any way related to what you have created is going to be prior art.

Prior art is best understood as information that can be used by a patent examiner to reject claims in an application. This information is most commonly prior publications—such as technical articles, issued patents or published patent applications.

It is also possible for prior art to consist of actions, such as a sale or public use before a patent application being filed. But for the sake of this article, let's assume the prior art we are talking about are issued patents and published patent applications.

References are a hurdle

It is crucial to understand that a reference, such as an issued patent or published patent application, does not need to be identical to an invention for the reference to qualify as prior art.

A reference can be used as prior art for whatever the reference explains. For example, if you design a 5-wheel transportation device, you are going to have to distinguish from all other wheeled transportation devices, regardless of whether they are identical.

So, if a patent examiner finds a 4-wheeled transportation device, that will be used against you as prior art. It will be up to you to explain why your 5-wheel device is not obvious in light of the 4-wheel device.

The key question will be: Why wouldn't it have been obvious to simply add another wheel?

In a nutshell, the key to understanding prior art is to understand that anything similar or in any way related to what you have created is going to be prior art.

Basic questions must be answered. Is the invention patent eligible? Is the invention new (i.e., novel), compared with the prior art? Is the invention nonobvious in light of the prior art?

The question whether there is any single reference identical to your invention is a threshold inquiry. Exact identity is a matter under U.S. patent code, the part of patent laws that relates to what is called "novelty."

If a prior art reference is found that discloses all elements of the invention, the inquiry ends

because no patent can be obtained. If no single prior art reference identically describes each aspect of your invention, this novelty hurdle has been cleared.

Assuming proper search techniques are used and everything that can be found is located, inventors who say there is no prior art universally are saying there is nothing identical. But there is a critical consideration beyond the question of exact identity.

You must focus on what distinguishes your invention over the totality of the prior art. This is required, because when a patent examiner deals with issues of obviousness, he or she will look at a variety of references and pull one element of the invention from one reference and another element of the invention from another reference, ultimately seeking all the pieces, parts and functionality of your invention in the prior art.

The patent examiner will then attempt to combine the various elements and functionalities found to see if the collection together discloses your invention.

The true inquiry for the patent examiner is to determine whether the combination of the pieces, parts and functionality found within the prior art would be within the knowledge base of one of skill in the art, such that your invention is merely a trivial rearrangement of what is already known to exist. If it is, then your invention is obvious.

Focus on what is unique and ask whether that point of novelty is enough to warrant a patent.

What inventors overlook

How is it possible that an inventor who searches cannot find prior art? This is typically a result of failure to adequately describe the invention and then searching only limited characterizations of their invention.

For example, most inventors will look at what they have invented and then do a word search to see what else is out there. Frequently nothing will be found because the description searched is unnecessarily limiting. When a patent attorney or professional searcher engages in a patent search, much effort is directed toward figuring out how others have described a particular innovation, particular features and characteristics of an invention.

I do strongly recommend that inventors start by doing their own searches. If you can find something that is too close for comfort, why bother paying a professional to do a search? Also make sure you do a product search.

Increasingly, I see inventors who can't find something that is patented—but if you do a simple internet search, you find their invention right there for sale.

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.

USPTO UPDATES

PTAB Hearings Policy

NEW REQUIREMENT SAYS PARTIES MUST PARTICIPATE IN A CONFERENCE 15 DAYS BEFORE THEIR ORAL HEARING

BY EILEEN MCDERMOTT

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

THE U.S. PATENT and Trademark Office announced an update to the Patent Trial and Appeal Board Trial Practice Guide, implementing a requirement for parties to participate in a pre-hearing conference 15 days prior to America Invents Act oral hearings in cases instituted by the USPTO director.

According to the December 12 USPTO press release, the purpose is for the board to guide parties as to which issues they should address, as well as to give them a chance to explain the issues they want to emphasize at the oral hearing.

The board will address issues including claim construction, reason to combine prior art teachings, or objective indications of nonobviousness, according to examples provided by the press release.

The announcement is the latest in a series of measures USPTO Director John Squires and Deputy Director Coke Morgan Stewart, while serving as acting director, have implemented since taking office in 2025 to streamline and reform PTAB processes.

New Engagement Offices plan

In a separate announcement, the office said Montana will be the site of the first of several new USPTO "community engagement offices" in the Rocky Mountain region to replace the Rocky Mountain Regional Office, which the USPTO said in October is permanently closing.

The release explained that the USPTO's report to Congress in December 2024 indicated regional physical office space was less necessary due to the planned establishment of community outreach offices and the popularity of agency outreach efforts. "A typical regional office requires more than $1 million of leased office space and overhead expenses," said the USPTO release.

In a statement announcing the Montana location, the USPTO said Montana State University will host the new community engagement office. The first such office was opened in 2025 at the University of New Hampshire's Franklin Pierce Center for Intellectual Property and has been a success, Squires said in the statement.

"Montana is emerging as a national leader in innovation and entrepreneurship, with the Bozeman-Gallatin Valley region serving as the anchor of the state's growing tech hub corridor," the press release added, noting that the number of patent applications filed by Montana-based inventors between 2019 and 2023 more than doubled and the U.S. Department of Commerce designated Montana as a federal Tech Hub in 2023.

The university will be responsible for working with the USPTO's Office of Public Engagement to carry out its strategic direction and to tailor the USPTO's initiatives and programs to the area and its stakeholders.

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

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IoT Corner

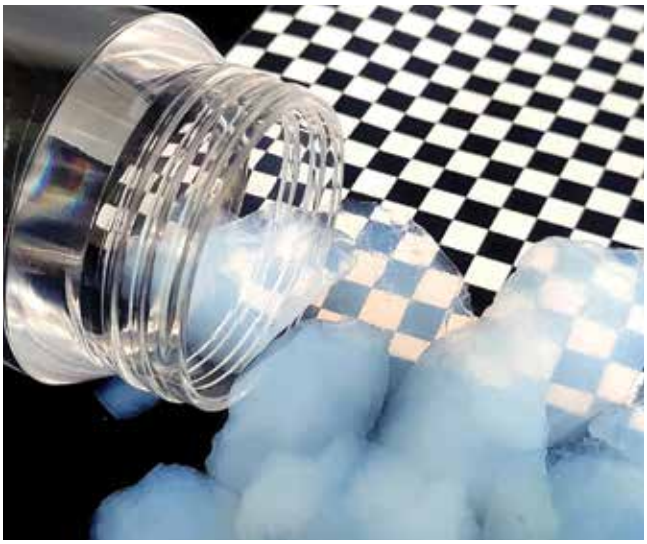
According to IoT News, global IoT connectivity will enter a "great realignment" in 2026 as enterprises abandon DIY models for managed services to lessen operational risk.

The story says that for chief information officers managing distributed assets, "the last decade has been defined by a specific operational friction: the gap between the promise of the IoT and the headache of actually maintaining it. We have spent years patching together global estates using a patchwork of operator contracts and shifting technical standards. That model is breaking."

The complexity of global connectivity "has hit a threshold where internal teams can no longer cope," the story said.

Wunderkinds

Gracie Sypien, **Lydia Yerace**, **Emma Delane** and **Anna Johns** from Ehrman Crest Elementary in Cranberry Township, Pennsylvania, won first prize in their age group at this year's Inventionland® National Invention Contest for "Furry Friends," a pet travel bag that transforms into a bed. Open to schools using an applied STEM inventing curriculum, the contest guides students through the same hands-on, nine-step inventing process used at Inventionland headquarters.



What IS That?

Frozen smoke—called **aerogels**—are the world's lightest, least dense solids, a powerful insulator consisting of up to 99.8 percent air. NASA used aerogels to capture space dust in the STARDUST mission, where they slowed and trapped high-density particles of comet dust without damaging them. You can buy it online, but why?

Get Busy!

This time, we suggest some active listening online: *Inventors Digest* Publisher Louis Foreman and *ID* contributor William Seidel will speak as part of the **USPTO's Successful Inventing** series on January 14, from 7 to 8:30 ET. Registration is required for the free event. The series can be heard the second Wednesday of every month. **uspto.gov/about-us/events/successful-inventing**

WHAT DO YOU KNOW?

1 **What was invented first—the car defroster, or the car power window?**

2 **True or false: Thomas Edison had a staff of as many as 50 to 60 during his inventing peak.**

3 **This female inventor said, "I never think of myself as a female in business. I'm a person in business."**

A) Hedy Lamarr **B)** Julie Newmar
C) Jamie Lee Curtis **D)** Lori Greiner

4 **"Star Wars" and "Indiana Jones" filmmaker George Lucas has patents in which field?**

A) Toys **B)** Shoes
C) Helmets **D)** Sunglasses

5 **True or false: There is a Polish Inventors Hall of Fame.**

ANSWERS: 1. Defroster, by German engineer Heinz Kunert in the 1930s; power windows, 1940s. 2. True. 3. D. 4. A. 5. False.

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

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