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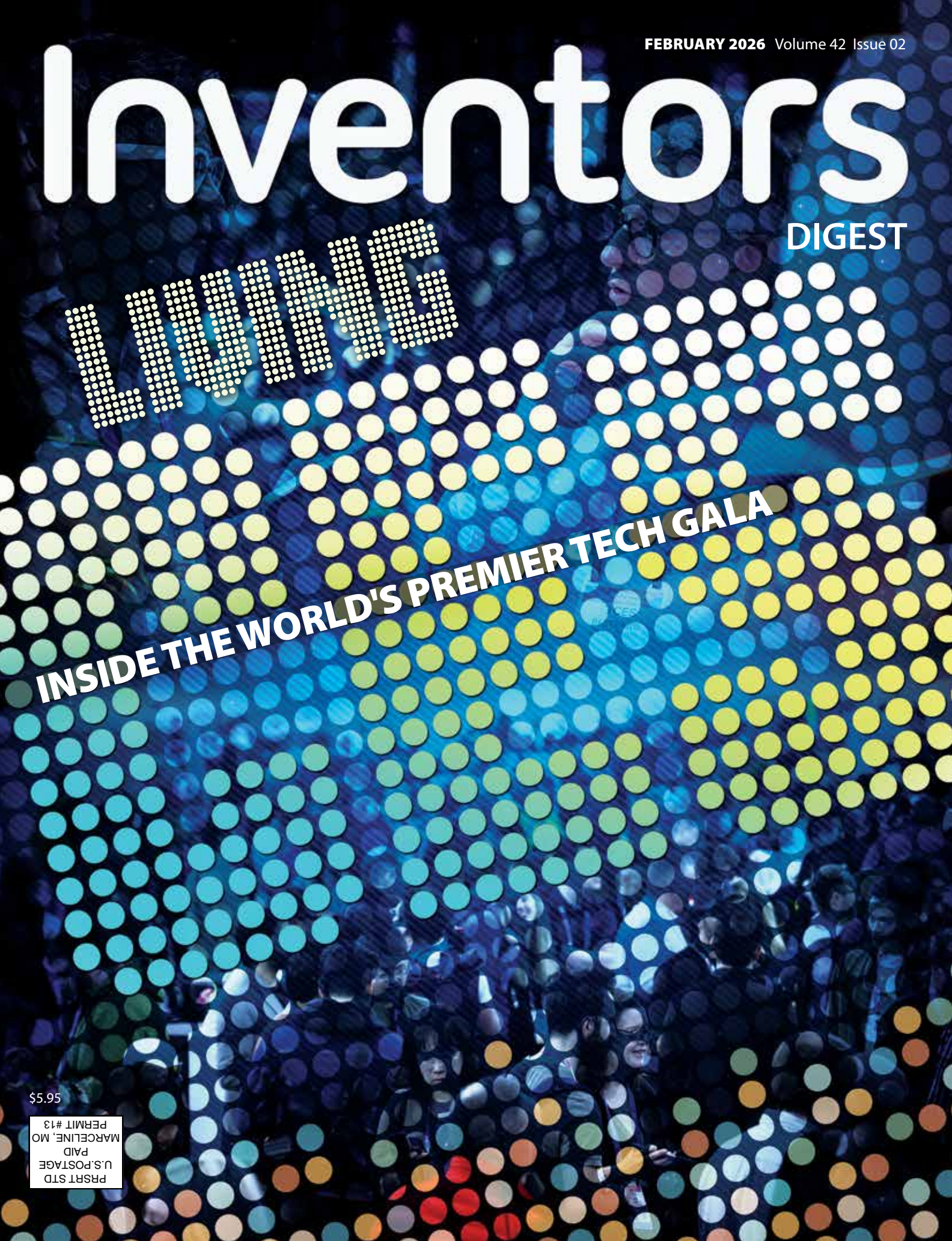
Inventors DIGEST



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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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Goals of Innovation Constant Since CES 1967

HISTORIC IRONY ALERT: The first Consumer Electronics Show—then an almost exclusively corporate celebration of high-tech American capitalism—took place during the counterculture "Summer of Love."

CES launched in 1967, with more than 17,000 people and 100-plus exhibitors converging at the Hilton and Americana hotels in New York City July 24-28. A Historical Photos picture from the showroom floor shows a guy in an ungroovy Don Draper hairstyle and suit checking out a now-primitive, boxy TV in a row full of other primitive, boxy TVs.

The keynote address was delivered by Motorola Chairman Bob Galvin, then the leader of what was primarily a car radio and consumer electronics company. Pretty promotional models called CES guides were a frequent but unnecessary presence in the exhibition halls.

"Light My Fire" by the Doors was the No. 1 song in the country—ill-timed as rioting had Detroit ablaze. That explosion of racial tension July 23-27, virtually simultaneous with the consumer spectacle in New York, occurred about a month after my family moved from Dayton, Ohio, to the Detroit area.

The massive gulf in tech advancement from then to now will surely be a popular subject when CES celebrates its 60th anniversary next year.

It's obvious how technology has evolved in rapidly escalating fashion in the past six decades. But much has stayed the same—namely, Americans' desire to innovate first and better than the competition, and the mission of creating inventions and products that make lives easier.

One subtle shift, reported by Enventys Partners Director of Email Marketing Adam Holden-Bache in this issue's cover story on CES, bears watching: the notion that technology doesn't have to be simply practical and cold, whether it's rows and rows of color TVs or booth after booth of sleek iPhones, laptops or desktops.

Sightings of attendees enjoying warm and fuzzy moments with AI-enabled, life-like pet creations were commonplace. Emotional support robots "focused less on utility and more on presence, comfort and emotional engagement."

The promise of something we've never seen is one of the most exciting aspects of invention. But an invention's ability to provide human comfort and peacefulness will never go out of style.

—Reid
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Robot Umps Plan Has Challenges in More Ways Than One

With another Major League Baseball spring training upon us this month, here comes more cutting-edge technology on the field via robot umpires—and a lot of questions.

The Automated Ball/Strike System (ABS) will use Hawk-Eye cameras at home plate to track a ball's trajectory and determine whether it is in the official strike zone.

Home plate umps will still call balls and strikes, but each team will be allotted two challenges per game on ball-and-strike calls. If the challenge is successful, the batter gets another pitch. The challenge process is said to take only 17 seconds, with the graphic of the pitch and strike zone shown on the scoreboard and broadcast feed.

But what if the technology breaks down during a game, especially after one team has benefited from a successful challenge? And is it wise to turn players into on-the-spot umpires when, as one national baseball writer reported in 2024, some players don't fully trust themselves to be able to challenge pitches and get it right?

The party line is that MLB opted for the challenge system rather than relying on robot umps for every pitch so it could preserve the game's human element—overlooking the fact that the umpires' union is so powerful, their wholesale dismissal would be a legal nightmare for MLB.

That union is so strong that historically incompetent and player-baiting umpire Angel Hernandez had to be bought out by MLB in 2024—during the season—after 30 years of embarrassing the game.

Observer.com writes that the challenge system is intended to keep tactics like "pitch framing—when catchers make close pitches appear as strikes—relevant." But wait ... so this new system is supposed to improve pitch-calling accuracy, but it's still OK for catchers to get away with framing something that isn't quite a strike?

The latest technological experiment by the sport that was once America's national pastime did not originate in America.

The Sony-owned Hawk-Eye system was developed in the United Kingdom by Paul Hawkins, originally for television purposes in cricket in 2000. Hawkins and David Sherry submitted a UK patent application for the technology, later withdrawn. The technology and intellectual property became the holdings of a separate company, Hawk-Eye Innovations Ltd., in Winchester, Hampshire.

The Hawk-Eye system uses up to 10 high-performance cameras, normally positioned on the underside of a stadium roof, that track the ball from different angles. —*Reid Creager*

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

INVENTING 101

Alternative Paths for Selling

BY DON DEBELAK

When launching your product or invention, licensing or selling on your own are not the only two options. In fact, they are among the most difficult.

Licensing requires a company to make a big commitment to a new product, which might not work out—and often means more risk for you than the company you have targeted for launch. Selling on your own is a big commitment and can be an enormous challenge for first-timers.

One alternative is private label selling.

Private label manufacturers make products for other companies to be sold under the buying company's name. Inventors frequently pursue private label sales to build a quick sales base, or when the market resists a one-line company (a firm that specializes in a single product or service).

For example, most inventors won't have much luck selling a painting accessory to mass merchants such as Walmart. They often find another company that sells to mass merchants and offer their product to that company to sell under its own name.

VITAL VOCABULARY

angel investor This refers to one or more people who invest their own money in early-stage startups or small businesses, often in exchange for equity or convertible debt. These investors can help companies that are unable to achieve traditional funding like bank loans or venture capital, as well as provide mentorship, business expertise and industry connections.

Companies are reluctant to make a big investment when a new invention's sales prospects are uncertain. But you can provide a small quantity of product to be sold in the company's packaging to test the market. With a smaller risk, the prospective partner might take your product to some of its bigger customers.

If you can't manufacture the product, a manufacturer might work with you—doing the test run for a low price in hopes of larger orders in the future. If you have a private label agreement with a marketer, possibly guaranteeing to take a certain volume, it will be much easier to get a manufacturer to sign on and invest the upfront manufacturing costs.

Joint venture

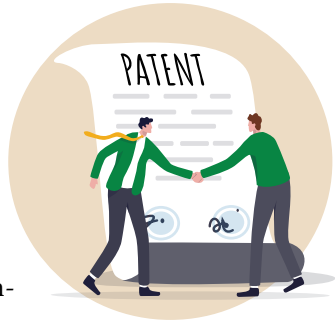
Technically, a joint venture for inventors is an agreement by two or more parties to work together to design, promote or manufacture a new product.

The parties split the work and profits, the percentage depending on the work and resources each party contributes. The partnership could be a formal joint venture or a more informal alliance or agreement. What distinguishes a joint venture is that all parties contribute resources and all share in the profits.

This approach works best when inventors have industry contacts to start and then accelerate sales. Marketers and manufacturers know that connections are more important than the appeal of the product." If you are an engineer with manufacturing expertise, that can also be a plus.

A variation of the joint venture concept is selling your product on commission. Licensing royalties often are in the 2 percent to 5 percent range, and selling on commission is often at commission rates of 10 percent to 15 percent. So this is a good approach for inventors with marketing skill and market knowledge.

Managing Your Patent



ONCE YOU HAVE savored the major accomplishment of being issued a United States patent, it's important to understand how to manage and maintain it to help ensure maximum value and enforceability. Here are some calls to action based on information from the United States Patent and Trademark Office, which provides more in-depth detail at **www.uspto.gov/patents/basics/manage#rights**:

Mark your calendar for fee dates. When a utility patent is granted, a maintenance fee is due 3½, 7½ and 11½ years after the original grant to keep the patent in force. (Plant and design patents are not subject to these fees.) After the patent has expired, anyone may make, use, offer for sale, or sell or import the invention without permission as long as such activities are not covered by other unexpired patents.

Always mark your patent. A patent owner who makes or sells patented articles, or someone who does so with the owner's permission, can notify the public that the article is patented by marking articles with the word "patent" and its patent number. If the patent owner fails to mark the article, he or she might not recover damages unless the infringer was notified of the infringement and continued to infringe after the notice.

Check for errors. Once the patent is granted, it is outside USPTO jurisdiction with certain exceptions. The USPTO may issue, free of charge, a certificate correcting a clerical error, where the printed patent doesn't correspond with the official record (mostly corrections of typos). Good-faith clerical or minor errors made by you rather than the USPTO can be corrected by a certificate of correction for a fee.

Consider the patent's long-term ownership. A patent is personal property that can be sold or mortgaged, written into a will, and passed to heirs. A licensed patent attorney can help with licensing agreements and assignments.

Being the project manager

Virtually all products sold have marketing and manufacturing activities, with a product or project manager who coordinates the two activities. Often, these products have a separate marketing company and a separate manufacturing company.

Inventors often run into a situation where their product requires a manufacturing process that the marketing company's current manufacturer does not have. So the marketer might like your product but may refrain from making a deal because getting a manufacturing arrangement might encounter unknown obstacles.

The inventor can offer to line up a manufacturer that can furnish the product for the marketer's approval. If you need help with this, try inventors clubs such as Inventors Groups of America: **inventleader.org/inventor-groups**. SCORE (Service Corps of Retired Executives, **score.org**) has local offices and people with manufacturing backgrounds who can assist.

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.

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FREE ONLINE HELP

Learn how to file patent-related documents in DOCX word processing format using the USPTO's Patent Center on February 12 from 1 to 2 p.m. ET.

Experts on the USPTO's eCommerce Modernization (eMod) team will provide demonstrations and answer questions. This session is one of several free training opportunities on the DOCX filing series page. Instructions for joining the Webex session will be emailed to each registrant.

For more information, search "DOCX filing training" at **www.uspto.gov**.

An Idea That **Still Clicks**

In an age when digital pictures dominate, the modern disposable 'wedding' camera turns 40

BY REID CREAGER

PICTURE THIS: a camera consisting of a dry plate, folding bellows made of paper, and a stiff front and back. The paper box unfolds like an accordion to allow light through an aperture, forming an image on the plate. Then, to remove the plate for the image to be developed, you cut through the paper—making your camera a one photo-and-done proposition.

King Camp Gillette likely would have been proud. The inventor of what is widely credited as the first disposable product—the Gillette Safety Razor, in 1899—understood the financial genius of making something that had to be bought over and over again.

In Alexander Pope Whittell's patent application for his camera (according to the ominously named disposableamerica.org), he wrote of his plan to create an inexpensive, lightweight camera ready for quick use that did not require focusing. This way, the "amateur and inexperienced may by their use always obtain a good image."

The Photo Pac, invented by Alfred D. Weir of Dallas in 1948, was a mail-in, cardboard camera that was destroyed during film processing.

Whittell filed the patent for The Ready Fotografer in 1886—13 years before the Gillette Safety Razor. So you can throw away the oft-reported claim that Gillette's razor was the first disposable product.

'Democratizing' photography

The disposability factor wasn't a selling point for Whittell, though part of the overall picture. His primary goal with the product that earned U.S. Patent No. 360,499, granted in April 1887, was to help "democratize photography" with an easy-to-use, 25-cent camera during a time when most handhelds cost in the $50 range.

Whittell set up a company in San Francisco to sell his camera. It never clicked with the public. But his idea was the distant forerunner to today's iconic disposable "wedding" camera, with the modern version celebrating its 40th anniversary this year.

Many versions of disposable cameras followed Whittell's, including:

- Harold Percy Moxon of Binghamton, New York, patented a camera in which single frames were moved from a roll of film into the field of exposure, and then from the field of exposure into a compartment within the camera's cardboard casing. But it may have never been manufactured.

- Frederick Bierhorst of New Orleans formed the Picture Box Manufacturing Co. for his cardboard box camera in 1948.
- Alfred D. Weir of Dallas invented the Photo-Pac cardboard box camera, which was to be mailed back to the company for developing the film (destroying the camera in the process). It debuted at the Texas State Fair in 1948 but was short-lived.
- The Encore Camera Co. in Hollywood marketed more visually appealing disposables in the early 1950s. They were often used as promotional items by airlines, banks and other companies.
- Beaurline Industries of St. Paul, Minnesota, manufactured disposable plastic cameras from 1951 through the early 1970s.
- French company FEX introduced a bakelite camera, the Photo Pack Matic, in 1966. The company falsely claims it as "the first disposable camera ever made."
- The Love camera, which debuted in Canada as the 16mm color Lure in 1973, was sold in America after 1975. It was capable of 12 exposures and included a mount for Magicube flashbulbs.

An instant winner

Fujifilm's successful experiment with its disposable camera, launched in 1986 using 35mm film, was the product of extensive market research that studied market surveys, consumer behavior and modern lifestyle trends. Kodak followed with a disposable model the next year.

The premise was framed in convenience. No removable parts. No lens adjustments. No manual focus. Just aim, click, rewind the film, and return the camera for developing.

The response in Japan was instantly positive and soon spread internationally: The cameras were safe, affordable, fun. They promoted spontaneity and informality, even surviving challenges as the digital age emerged because of their novelty and charm.

Historysphere.com provides powerful evidence of these impacts in human terms.

"A refugee family in Europe preserved fleeting moments of hope; children in rural Africa clicked their first 'camera' ever, discovering storytelling through images.

"One famous anecdote from a Japanese tourist highlighted how a disposable camera, forgotten on a train, was found by a stranger who developed the film and returned the prints—illustrating human connection fostered by this humble device."

Wedding opps

In the past couple decades, the disposable camera has become a mainstay at wedding receptions. Couples leave them on tables for friends and loved ones to share the celebration.

(Save for instances when pranksters use the cameras for questionable purposes—as in a 2002 episode of TV's "The King of Queens" in which Carrie Heffernan berates her husband for the "mug shot" he took—the results can be memorable in the best ways.)

Theknot.com, which celebrates wedding planning, includes the headline "A Guide to Wedding Disposable Cameras & Where to Buy Them." At Top10Best.How: "Top Ten Best Disposable Camera for Wedding."

The biggest drawback of this modern nostalgia tradition is an environment that pays the price, with all the discarded single-use plastic. Companies are encouraged to produce models that use more sustainable materials and/or are more conducive to recycling.

Meanwhile, consumers at their wit's end with high end, who may be overwhelmed with or tired of complicated and overly technical gadgets, will always have a soft spot for the disposable camera. Per Historysphere.com:

"This modest device reminds us that sometimes, the greatest innovations are those that quietly simplify human experience. The disposable camera is a testament to the power of accessible technology—a simple click that echoed around the world and through time."

INVENTOR ARCHIVES: FEBRUARY

February 27, 1900: Acetylsalicylic acid, better known aspirin, was patented.

Aspirin was invented by Felix Hoffmann, a doctor of philosophy and chemist from Elberfeld, Germany who was working for Bayer. He created it for his father, who was suffering from arthritis.

AI ABCs

Agentic AI is ramping up, and doing it on its own

The "next level of AI" is coming—whether that fascinates or frightens you.

Expect to hear a lot more in 2026 about agentic AI, a more active version of artificial intelligence. Whereas traditional AI mostly responds to commands or analyzes data, agentic AI can set goals, plan and execute tasks on its own with minimal human intervention.

This evolution was inevitable, given that millions of people accept AI's being so embedded in software for numerous convenience purposes without even realizing the benefits. Now it can be used for planning and refining productivity.

A December 2025 story in Forbes said "businesses are moving from experimentation to embedding AI where it will make a marked difference—inside products, workflows, applications and decision-making processes."

Agentic AI systems are programmed with specific objectives and actively take steps toward resolving problems. These systems will feature adaptive learning—the ability to learn from experiences and adapt their behavior over time to further improve efficiencies.

Per the Forbes article, here's how agentic AI will help businesses, in theory:

"As agentic AI lets employees tell systems what they need in natural language, and intelligent agents can carry out those tasks autonomously, the shift from procedural work to intent-driven interaction could redefine productivity across the enterprise.

"AI is going to elevate decision making by making analysis accessible to every leader—not just those with technical backgrounds. Executives should begin building 'AI-ready' decision habits now. Start by standardizing how you ask questions of your data and defining common prompts your leadership team can use."

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Being Findable Online

Savvy social media users get noticed with authenticity, consistency and knowledge **BY ELIZABETH BREEDLOVE**

For many inventors, the hardest part isn't building the product, it's making sure the right people find out it exists.

You can have a clever solution, a working prototype, even a patent in hand and still feel invisible.

Years ago, being discovered meant getting a meeting, landing a trade show booth or convincing a gatekeeper to take a chance on you. Today, discovery happens quietly—often before you even know it is happening—on social media.

Investors, partners, manufacturers, journalists and potential customers no longer rely on a single website or formal pitch to decide whether someone is worth their attention. They search names, skim profiles and scroll feeds.

Social platforms have become modern search engines—and for inventors who understand this shift, being easy to find online becomes less about chasing attention and more about showing up consistently where people already look.

First place people look

When someone hears about your invention, his or her first instinct might not be to type your website into a browser. Instead, the person may just search your name or your product idea on LinkedIn, Facebook, Instagram or TikTok.

They want to see if you are real, active and knowledgeable. They want clues that you understand your market, that you did not appear overnight with a half-formed idea.

Each platform serves a slightly different purpose, but together they create a digital paper trail.

LinkedIn tends to be the first stop for credibility. A filled-out profile with recent activity signals that you are engaged in your field.

Facebook often provides context for the invention, while Instagram and TikTok are increasingly used to see products in action and judge whether an idea feels current.

This matters, because discovery today is rarely dramatic. It's quiet and cumulative.

Someone may notice a post you shared months ago, then see your name again in a comment, then finally connect when the timing is right. If you are not present online at all, that moment never happens.

One post at a time

Inventors often worry that social media requires constant self-promotion.

In reality, credibility is built through small, steady signals: a short post explaining why you designed something a certain way, a photo of a prototype on your workbench, a brief video answering a question you get asked all the time. None of these need to go viral to be effective.

Rather, over time these pieces create a clear picture of who you are and how you think. When people land on your profile, they should see consistency instead of noise. That consistency builds trust faster than a polished sales pitch ever could.

Social platforms reward this behavior quietly. The more clearly you describe what you do and who it is for, the more likely your content is to appear when someone searches related terms.

That's where keywords come in—not as a technical trick, but as a way of speaking plainly about your work.

Know the language

Keyword awareness doesn't mean stuffing phrases into posts or writing like a robot. It means understanding how people describe

the problem you solve and using those words naturally.

Suppose you invented a tool that helps gardeners with arthritis. The people you want to reach won't search for your product's name specifically but will search using phrases related to grip strength, joint pain or easier gardening.

When those words appear in your LinkedIn headline, your Instagram captions or even the spoken words in a short video, platforms take note. Over time, they connect your name with those topics, which is how social media becomes a discovery engine rather than just a broadcasting tool.

Your professional anchor

LinkedIn often carries the most weight for inventors looking for partnerships or funding. A complete profile with a clear summary of your invention and your experience acts like a living resume—and posting occasionally about your progress, lessons learned or industry observations keeps that resume current.

You do not need to post daily. What matters is that when people check your profile, they see signs of life, because recent activity suggests momentum. Even a thoughtful comment on someone else's post can surface your profile to new people who share your interests.

Facebook breeds familiarity

Facebook remains important for inventors whose audiences skew older or more local. Groups, pages, and personal profiles all play a role.

Sharing updates in relevant groups or on a business page helps establish familiarity. Though many people may not engage with these posts publicly, the ones you are trying to reach will notice.

If your presence on Facebook feels stable and consistent, it reassures people that you are not a passing trend. This can make all the difference when someone is deciding whether to reply to your message or recommend you to a friend.

©EAMESBOT/SHUTTERSTOCK

Visual proof

Instagram and TikTok have become places where people go to see how things actually work.

A short clip demonstrating a feature or explaining a design choice can often communicate much more than paragraphs of text.

These platforms also reward clarity. Simple explanations, spoken in plain language, tend to perform better than polished ads. Over time, your videos become searchable content, so someone looking for solutions related to your invention may stumble across a clip you posted months earlier.

The power of showing up

Being easily found online is not about chasing trends or learning every new feature of every new social media platform. It's about showing up in a recognizable way across platforms where people already search.

When you describe your work clearly, share progress honestly and maintain a steady presence, social media starts working quietly on your behalf. It connects dots while you focus on building.

The goal is simple: When the right person goes looking, he or she should be able to find you and understand what you do within a few minutes. Social media, when used thoughtfully and with intentionality, makes that possible.

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.

See It! Pick It! Buy It!

For your product or invention to sell, the packaging must instantly get the right kind of attention **BY WILLIAM SEIDEL**

No one can buy it if they don't pick it up. And no one will pick it up if they don't see it.

The purpose of your package is to make the prospective customer see it, pick it up, turn it around and because of what they see, buy it.

This is a fundamental marketing tool whether the package is a storefront, website or product on a shelf. It's known as AIDA (grab the buyer's Attention, Ignite interest, create Desire and inspire Action).

What you say must financially, socially and emotionally appeal to prospective customers to influence their purchase decision. Even the ingredients, recyclability and "made in USA" play a role in customer decisions.

See it! (Grab 'em.) Your package has less than half a second for the customer to see it. The package must pop off the shelf or page to grab attention, be recognized and stand apart from the competition.

People are attracted to what they know and like. Your message must appeal to the customer's wants.

Pick it! (Engage 'em to take the action.) You have three seconds to ignite their interest and engage them to take the action to reach for it and pick it up. This is the hardest job in marketing.

It is the call to action. You must create content that is so appealing, it makes the viewer reach for it to learn more. What you say must persuade the person to make a decision to pick it up and learn more.

Buy it! (Convince 'em.) Customers make a purchase decision in five seconds or more based on what they see, read and believe. Influencing the customer to buy it is the purpose of your package.

Your message must ring true with your potential customer. The offer your package presents, the price and the placement must persuade the customer to buy it.

Let your package do the talking.

When you don't have any other marketing, packaging is your entire campaign. It is the first thing customers see; it motivates them to know more, and the package convinces the customer to try it. The package can make the difference between succeeding and failing.

A great package can get a prime store position, which means more sales.

The box as vehicle

Packaging is not an afterthought. Companies spend months developing packaging, conveying their message, promoting the benefits and wordsmithing the copy to influence the customer.

I actually had an inventor tell me, "Package? I don't need a package; I got a box."

Boxes are for shipping and protecting the product. Packages are for communicating and selling it. The empty space on the box is an advertising billboard you need to use.

When it is sitting on the store shelf with the competition, packaging makes your product

The empty space on the box is an advertising billboard you need to use.

stand apart. You may have a great product, but if it is in a poor package, it will likely fail.

Research shows 70 percent of purchase decisions are made at the point of sale. The success of your business and product may depend on the package. You must have a package that works, which means you must know what motivates your potential customer.

No premium shortcuts

I was consulting with a company with products light years better than the competition. Unfortunately, their cost was higher.

The package was horrible. I said, "The product didn't fail; your package failed to sell the product."

We analyzed competitive behavior, looked at how resellers were positioning the company and found a market gap of no premium products in the category. The company had faithful customers.

We tested their response to packages, flavors and prices. It was clear: The package had to reflect the high quality and look like a $12 product selling for $8.99.

The company accountants, consultants and attorney went ballistic. "Your package is too expensive. It will never sell." They insisted on reducing quality to reduce the cost—advice that would take away the competitive advantage of a premium product and place the company in a price war it could never win.

I asked, "What is your advertising budget?"

They were all dumbfounded! The fact is, the package was the entire advertising budget, which is true for many products. Our first 21 sales calls were chain store orders.

Storefront packaging

Packaging "ain't" just pretty pictures. But a pretty picture helps.

A study in the journal *Psychology & Marketing* showed visually attractive packaging activates the reward system in the brain.

The package grabs, motivates and convinces the customer to buy it. The package conveys everything the customer needs to know and everything the product and business stand for.

A powerful message positions your product apart from the competition. The package is a "silent salesperson" that can sell the product and define the brand at the point of sale.

"I don't need packaging; I own a restaurant."

Packaging a service is the product. It's the décor, the storefront, the signage, the menu and everything associated with the business—including the mints and toothpicks. It creates the customer experience.

If you Scotch-tape a menu to the front door of your restaurant, with no light, this is the package and introduction to the business. It determines whether the prospective customer continues down the street or opens the door and takes a seat.

McDonald's and Starbucks don't take these issues lightly. They have trade dress trademarks for their displays, décor and the environment they create.

So you have less than one second to catch their attention, three seconds to persuade them to pick it up and more than five seconds to convince the customer to buy it. The same is true for digital marketing.

The job of your marketing is orchestrating this.

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.

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Drinking In Success

Julie Austin's wrist water bottle endures through knockoff issues and self-resolved PR challenges

BY EDITH G. TOLCHIN

Former *Inventors Digest* contributor Eva Winger wrote a story about Julie Austin's invention, Swiggies, and the knockoff issues she was having in 2009. Because I'm an inventions junkie, I recently (and coincidentally) came upon this product with a unique name.

After some Sherlock Holmes-ing, I met the inventor—who was happy to bring us up to date with her unique saturation device that can be used by the whole family.

Edith G. Tolchin (EGT): Please share a bit about yourself—and why Swiggies?

Julie Austin (JA): I started in the entertainment industry, starring in films, commercials and TV shows for many years. About 15 years ago, I became a motivational speaker on the topic of innovation. My brand is "How to Think Like an Inventor."

I lived in Los Angeles for about half of my life, since it used to be the film and TV capital. Two years ago, I moved to Dallas, Texas, and have continued to travel the world as a speaker while still running my manufacturing business.

In the beginning, the product was called HydroSport, as was my company name. I changed it to Swiggies when one of my best retail outlets started calling it that. It seemed a better name, since I had the kids' version.

With a new relaunch, I may go back to calling them HydroSport. It doesn't really matter in the promotional market, as they are branded by the client anyway. That's where I sell the majority of them.

Swiggies come in adult and children's sizes.

EGT: How long did it take from concept to production?

JA: Since I literally started my business with five dollars and a clay prototype and no money, it took way longer than it should have.

I worked 2-3 jobs for years to save money to get molds made, patents, packaging, PR and warehousing. It took about eight years just to get to the production stage. I was able to quickly ramp it up by driving door to door to retail stores, sporting goods chains, drug store chains and gift shops.

EGT: You originally appeared in *Inventors Digest* in 2009 and spoke about infringement. Please share this topic with us.

JA: All inventors have to deal with infringement, even the biggest companies. Most of it comes from China.

It started when I checked the internet to see if the keywords "wrist water bottle" came up. I was shocked to see knockoffs of my product and even pictures of me wearing my product! I still have to deal with it every day.

You have to stay on top of it constantly. My product started getting knocked off after a trade show in Hong Kong, where someone grabbed a sample of mine in my booth and ran off. A couple of months later, factories started getting the knockoff product and I had to fight to get it removed from Amazon, eBay and Alibaba.

PHOTOS COURTESY OF JULE AUSTIN

EGT: When had you received the original patent? Please address the topic of trade dress.
JA: I got the original patent in the mid to late '90s. Patents are only good for 20 years, and I was infringed the whole time.

Through total serendipity, I met the best patent agent ever. His name is Allen Hertz. I told him the story about how I was being infringed, and he told me he thought he could get me a trade dress based on what I had done up to that point.

(*Editor's note:* Trade dress refers to the visual appearance of a product or its packaging—such as its shape, color scheme, overall look and feel—that signifies the source of the product to consumers and therefore serves as intellectual property.)

I had never heard of a trade dress. Most people don't know what it is. And most small inventors don't have it.

Everyone told him he couldn't do it, but he made it a mission to succeed. It took several passes at the U.S. Patent and Trademark Office and a lot of work, but it was issued—first, in the supplemental register and finally, in the principal register. In other words, extremely valuable IP that never runs out.

With this valuable IP, I am finally ready to license it to a bigger company that has a similar product line. It can be sold in retail and in the promotional market. And I now have a whole product line. Unlike a patent, it never runs out.

And last August, I learned that my patent is in "incontestable status," which means that this is the final phase and it cannot be challenged in court.

EGT: Where are you manufacturing? Have you had any difficulties with logistics?
JA: Prior to COVID, I was manufacturing in China with a small family factory. It was a great relationship. But since COVID, I was never able to contact them.

Hopefully, they are OK. I am kind of guessing they went out of business or started manufacturing other things.

Because of tariffs and uncertainty, I am looking for a U.S. manufacturer. But I would rather license it to a bigger company and get out of the manufacturing business. I'd love to just be a salesperson for the product and take a licensing fee.

In Hong Kong, "someone grabbed a sample of mine in my booth and ran off. A couple of months later, factories started getting the knockoff product."
—JULIE AUSTIN

To answer your question about logistics, manufacturing in other countries is always a gamble. I set it up in three countries just in case anything happened in one.

EGT: Tell us about special recognition your product received.
JA: They won The Toy Man® Award of Excellence: This award is given to products that demonstrate significant quality in design, safety and value, and receive a five-star overall rating in The Toy Man Product Guide's evaluations.

EGT: Where are you selling? What is the pricing?
JA: Swiggies have been sold in 25 countries. They are currently sold mostly in the promotional products industry and online. The retail price for a set is $16.95.

EGT: Tell us about the success of Swiggies as promotional products.

JA: The wrist water bottle started out as a retail product until another streak of serendipity happened. I was at trade show that wasn't going well, so I closed up my booth. I noticed another guy was doing the same.

We started talking, and he said my product looked like a promotional product—like imprinted hats, pens, mugs and T-shirts. He gave me a portion of his booth in Vegas to test it out.

When I was mobbed in the aisle at the show, I realized that was my market. I've sold hundreds of thousands of them around the world, mostly to marathons.

EGT: Can they be filled with alcohol?
JA: Yes! I also sell about 20 percent in the alcohol industry now at festivals, pub crawls and Hash House Harriers.

EGT: How did you make your PR connections?
JA: In the beginning, I hired a big PR firm to handle the product. After four months of spending an insane amount of money, I had gotten one magazine mention and a short mention in the *Los Angeles Times*.

I decided to become my own publicist. I literally went to the library and sat down with reference books to find contact names for TV shows and magazines. And I cold-called.

I've gotten PR around the world almost every month for years. I was on the "Today" show twice, ABC, NBC, CBS and FOX News, along with dozens of magazines, newspapers and radio stations.

Once my friends found out how successful I was at getting my own PR, they recommended me for regular corporate PR jobs. I started working with independent inventors and celebrities at Abbott & Klein.

EGT: You recently partnered with SenseIP (senseip.ai). Please tell us about that.
JA: When I got my first patent, it took a long time and was very expensive. I had to submit it through the patent office twice. So, when I found this company that did the work for less money in less time, I had to connect with them.

SenseIP makes it fast and easy to protect great ideas. Traditionally, patenting an idea meant hiring attorneys, spending months going back and forth, and paying tens of thousands of dollars like I did. With SenseIP, you can type in your idea, even if it's just a sentence, and their AI helps break it down, check if it's unique, and draft a ready-to-file patent application.

Details: swiggies.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/fAGIvZJ) 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 What's the most dangerous trap inventors fall into during manufacturing?

Designing for function instead of for manufacturing. A prototype doesn't care about cost, assembly time, tooling or yield rates. Factories do. A surprising number of products work perfectly in ones and twos but collapse financially at scale due to material choices, excessive part counts or complex assemblies. If you don't think about manufacturing while you're designing, manufacturing will certainly think for you—and you won't like the answer.

2 Funding stops more inventors than bad ideas. What should inventors do when stuck at that stage?

First, recognize your stage. You don't raise growth capital without demand, and you don't validate demand with investor money. Crowdfunding is a good alternative for validation plus funding; bootstrapping is for early proof. Licensing is for inventors who don't want manufacturing risk at all. The biggest funding mistake I see for inventors is chasing money instead of building leverage. Validation creates leverage; traction creates leverage; money follows leverage.

3 What mindset do successful inventors consistently share?

They treat invention as a process, not a moment. The ones who succeed don't fall in love with Version 1. They expect iteration. They expect friction. They expect setbacks. Most important, they measure progress by learning—not by hype, likes or praise. Persistence beats brilliance every time in this industry.


CES™
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CES Unveiled

WHAT'S NEW, WHAT TO DO

Recapping the 2026 event, with tips for exhibitors attending the world's most high-profile, high-tech experience

Three large-type numbers on the Consumer Electronics Show website's homepage provide an indication of the annual tech smorgasbord's massive scale and influence:

- 148,000-plus attendees at this year's show, January 6-9.
- More than 41,000 exhibitors.
- Over 6,900 global media, content creators and industry analysts.

But numbers not prominently displayed provide even greater context as to the occasion's vastness of people and walking real estate.

There are "only" about 150,000 hotel rooms in Las Vegas—the most for any U.S. city—to accommodate those 148k people. The exhibit space for the event at the Las Vegas Convention Center totals 2.5 million net square feet; the Taj Mahal occupies 1,832,880 square feet.

This confluence of factors spawns a steady sensory buzz produced by professionally presented products with pragmatic possibilities, housed for the better part of a week in an expansive cocoon of wildly escalating science and innovation where the room temperature reflects a future that is but a fleeting instant on the way to something else—hopefully better.

Here are insider insights and experiences of industry professionals who have been there, lived that. —*Reid Creager*

The event is shifting from an emphasis on high-tech gadgetry to solutions for human problems.

THIS YEAR'S TAKEAWAY:

AI IS UBIQUITOUS, ORGANIC

BY ADAM HOLDEN-BACHE

After visiting thousands of exhibitor booths at CES 2026, a few things became clear. The era of flashy gadgets that demand constant attention is fading, and this was the year artificial intelligence stopped feeling experimental and started feeling infrastructural.

Across categories, AI showed up less as a headline feature and more as an invisible layer. Many products paired thoughtful hardware with complementary AI that stayed out of the way.

Technical complexity was hidden behind clean interfaces, with a clear focus on making daily life easier rather than more complicated. In many cases, technology adapted to people, not the other way around.

AI was everywhere and everything at the show, finally moving from buzzword to baseline. It was embedded across nearly every category—often quietly—powering personalization, automation and predictive behavior without demanding user attention.

The latest trends regarding AI's impacts in these categories:

Wearables continued their evolution beyond simple tracking. Smart glasses leaned heavily into AI voice interfaces and real-time translation. Smart rings added gesture controls, while earbuds and watches focused on deeper health insights, including stress, recovery and long-term wellness metrics.

The *smart home* category showed clear signs of maturity. Core appliances such as smart locks, coffee makers and vacuums became more affordable and more reliable. The kitchen, in particular, is now almost fully digitized, with internet-connected versions of nearly every appliance becoming the norm rather than the novelty.

Robotics split into two clear directions. The first was practical helper robots, including more capable cleaning robots and early household assistants that handle tasks like organizing, monitoring and light chores. While still limited in scope, these systems showed meaningful progress albeit with plenty of room for improvement.

Below left: Switchbot's Onero H1 can vacuum floors and perform common household tasks. Below right: Tom Stevens promotes his therapeutic robotic dog for his company, Tombot (December 2025 *Inventors Digest* cover story).

The second direction was companionship. Emotional support robots ranged from small tabletop companions to pet-like devices and even humanoid robots capable of surprisingly natural interaction. These products focused less on utility and more on presence, comfort and emotional engagement.

Health technology stood out for its move toward personalization and clinical grade diagnostics integrated into everyday life. AI-powered body scanning mirrors analyzed heart health, weight and metabolic markers in seconds. Exoskeletons designed for knee and leg support demonstrated significant gains, offering up to a 50 percent boost in leg power while offloading substantial physical strain.

CES 2026 was unquestionably dominated by AI. At times it felt forced, but in many products it was thoughtfully integrated and genuinely useful.

AI no longer feels optional or speculative. It is becoming an expected layer of modern technology.

However, what stood out most was the shift in tone.

In a show filled with innovation, restraint may have been the most important signal. Consumer tech does not appear to be getting louder, faster or more attention seeking; it is becoming quieter, more deliberate, more human focused.

If CES 2026 proved anything, it is that meaningful innovation speaks through usefulness rather than volume. The future of innovation lies in subtlety, not spectacle.

Adam Holden-Bache, Enventys Partners director of email marketing

A FUN FIRST, AND THE FUTURE OF TV?

Yes, Virginia, there is innovation at CES that doesn't involve smartphones, desktops or laptops.

Or vacuum your house, wash your clothes or cut your lawn.

Or make your kitchen an AI hub that lacks only a master chef (for now).

We present you with two cool new toys—one for kids, one for adults—that sparked a media full-court press.

Smart Brick

Lego made its first CES appearance this year with its Smart Brick, a 4.1 mm ASIC chip inside that is designed to respond to different building needs.

Using what Lego calls the "Play Engine" and integrated copper coils, each brick can sense motion, orientation and magnetic fields, as well as its own distance, direction and orientation in relation to other Smart Bricks. Each brick also has a tiny speaker built in that will play audio "tied to live play actions." Accompanying Smart Tags and Smart Minifigures work together with the Smart Bricks. ...

Micro RGB

It probably won't happen anytime soon for cost reasons, but it's possible you could someday buy a Micro RGB TV.

Micro RGB uses red, green and blue LEDs instead of white backlights. The new technology is said to provide a brighter and more color-accurate picture. One TV on display at CES, a 130-inch concept model, was impossible to ignore.

Samsung launched its first Micro RGB TV last August, a 115-incher that retails for $30,000. But smaller models will have a lower price tag, and as with a lot of technology that becomes more ubiquitous over time, prices are expected to come down across the board.

MAKING THE I LIST

The Consumer Electronics Show is an invitation-only event—and given its burgeoning popularity and exploding crowd numbers, some predict it may become increasingly difficult to get in.

A direct affiliation with the consumer electronics industry goes a long way; a prominent position in the industry goes even farther. CES says you must have "affiliation with the consumer electronics industry (pay stub, business card, et cetera)."

Tech focused-media, writers and promoters are frequently invited. As with many professional invitation scenarios, who you know can often help.

To register online, go to **ces.tech** and fill out the form.

OUT OF THE FIRE: HUMANE, HEALTHFUL TECH

BY ALYSON DUTCH

Returning to CES this year was bittersweet for me. Just as I arrived last year, the Palisades firestorm—90-mph winds with 2,500-degree flames—broke out in southern California.

It took out 13,000 homes, one of which was mine.

It was surreal returning on the first anniversary of so much shock and grief, but it felt good to be busy and not wallowing. I wore a pair of shoes gifted to me from a fabulous brand called Soludos that had rainbows and ocean waves on them. They kept my spirits high as I ambled about.

This year, CES was all about AI-informed robots: robots for seniors, robots as pets, robot hand sensors that mimic signals from three parts of our brain.

Until now, robot pinchers have picked up auto parts to move them down assembly lines. By today's standards, that is troglodyte behavior. To be helpful in new applications, like housemates or nurses, they need to know how much pressure it takes to pick up and wash a soapy wine glass versus delivering a 20-pound Amazon box from the front porch or serving up tiny pills alongside a cup of tea.

Marketed as the "first force/tactile feedback teleoperation data acquisition system" by Daimon Electronics, the DM-EXton2 replicates human movements 1:1 with impeccable precision while performing ultra-fine manipulation tasks, like holding a piece of tissue paper between two "hands."

Lyn Fang founded OlloBot, a line of fuzzy, fun cyber-pets (here and on the opposite page).

These brilliant engineers mapped all the brain signals that happen between our eyes, fingers and other parts of our body to retain balance and movement while using our hands—things we take for granted every moment.

My favorite was a company called OlloBot. A full line of fuzzy and fun cyber-pets rolled and lolled about on chassis dressed in adorable, animal-like fur, with flippers and tails—all on a vacuum cleaner-canister-sized wheeled body. Some had purple, fuzzy necks that stretched up with curiosity and expressive, mini-iPad-sized monitor faces.

They were developed by a young woman who wanted to bring warmth to the robot world; she is a rare bird among the male-dominated industry. She chose America to launch her furry friends when she learned that 71 percent of American households have pets and spend an average of $1,700 a year on them due to being incredibly emotionally invested in our four-leggeds and others.

Another, called ElliQ, was named an "elder sidekick" by Fast Company magazine. This expressive and friendly dome-shaped, table-type lamp pivoted, spoke and flashed, floating on a seemingly detached base. It was charming.

Developed as a health companion, is it a medication reminder and

Emotional support and companionship are increasingly prevailing themes for robotic toys.

©OLLOBOT

something to talk to. Clinical trials showed that seniors living alone with ElliQ were feeling a lot better about life.

All the health tech was mind-blowing. Of note was female-led MicroLumix Biosciences, which found that viruses are most prevalent on elevator buttons. MicroLumix conducted a study that showed an innocuous bug deposited on a lobby floor elevator push button had spread to every single hospital room upstairs in only six hours.

Wow!

The company's invention, called GermPass, was a panel that could be placed over existing elevator banks with UVC light doors that cleansed the buttons before and after every use. I will never use my finger on an elevator button again. Hello, elbows!

A very serious health tech company, Insulet, was doing a great job of making its diabetes monitoring and insulin delivery wearable more approachable for children. Its collaboration with Marvel resulted in the world's first diabetic superhero.

Given that an estimated 1.8 million children and adolescents under 20 are living with Type 1 diabetes, this pairing was beyond brilliant. Even more interesting was the fact that this monitor actually delivers insulin—an innovation informed by two recent global conflicts, one in Gaza and the other in Ukraine.

During these wars, it was discovered that insulin does not have to be refrigerated and can last three days. Who knew? That's a resourceful inspiration.

CES has thankfully shrunk since Covid. Before then, the event was spread out across 21 locations throughout Vegas. It was untenable.

This time, most of the consumer products were at the Venetian, the business-to-business and OEM stuff at the Convention Center. This year, the show added a marketing pavilion at the Aria.

Among the land of my fellow marketing gurus at the glitzy and youthful-vibed Aria, my favorite there was the global advertising agency HAVAS. It identified a new consumer segment and created a proprietary technology to reach them called the Neuroverse.

HAVAS' research found that among Gen Z-ers (20 percent of Americans ages 13-28, 69 million digital natives), 1 in 5 identifies as neurodiverse. For better or worse, this means they are dealing with issues ranging from ADHD to autism.

This segment is the largest buyers of trendy apparel, tech and digital services. I do appreciate profiling for the sake of marketing.

Otherwise, another CES in the books with some new relationships and breakthrough insights. Best of all, I have a refreshed feeling about Vegas that does not include fire.

Alyson Dutch, owner of Dutch Public Relations

SHOW AND EXCEL:
AN EXHIBITOR'S SURVIVAL GUIDE

BY JEREMY LOSAW

Although the latest TV technologies from the large tech firms take most of the national news headlines at CES, the invitation-only show is valuable for startups and small companies, too. It can be a key moment to show off an awesome prototype, get feedback from industry pros and find investment or manufacturing partners.

Exhibiting at CES is exhausting and stressful, and yet there is nothing quite like it.

For a few intense days, you're plugged directly into the current of innovation. You see how people react to your idea in real time, make key connections to move your business forward and feel the electricity of the consumer electronics industry.

However, it can be a big lift to exhibit at CES, even for small companies. It is easy to get sucked into the glamor of being in the exhibition hall—and what is less obvious is how much planning, endurance, improvisation and physical effort it takes to make that moment happen.

Exhibiting isn't just about showing a product. It's about surviving a temporary, high-voltage environment where every decision matters.

Exhibiting isn't just about showing a product. It's about surviving a temporary, high-voltage environment where every decision matters.

Booth blueprinting

The first challenge starts months before you arrive: You have to figure out what you are going to do for a booth.

For many early-stage startups, areas like Eureka Park are the best entry point. They're designed for young companies and first-time exhibitors. They also come with constraints.

The booths are identical 10-by-10 footprints. Everyone gets the same white walls and a podium. The rest is up to you to create the experience you want for your product—and set yourself apart from the rest.

The complexity of what you will do depends on your budget. At minimum, plan a banner with clear graphics and a clean way to demonstrate your prototype.

Some companies hire professional firms to design complex experiences. This was the case when I helped exhibit the Glo smart doorbell product. We even went so far as to build a huge version of the doorbell to draw people to the booth.

Getting there

Las Vegas can be a hike for many of us, with the added challenge of ensuring all your materials and prototypes make it there safely.

If the booth is being professionally done, the company will likely have well-established connections with freight carriers that can deliver the materials directly to the show. However, if you are building elements yourself, you will have to work through shipping them with retail carriers or palletizing and working out the freight yourself.

There is also the issue of how to transport your potentially fragile prototypes. Be sure you comply with airline regulations for batteries and safety, and that they are packaged carefully enough to survive any abuse from baggage handlers.

The first time I went to CES, I had to bring a full gas stove top to the show to exhibit a kitchen product. It was heavy and bulky—and took some extra smiles and explanation with the gate agents in order to get it on the plane.

Soldering prototypes at the breakfast table is not a good way to start Day 1 of the show.

Plan your setup well

Setup day is crucial to getting the booth in optimum shape. If you have a simple booth design, this may require just a few minutes to hang banners, clean the area and set up the prototype.

However, if you have a complex booth it may take all day. It is highly unprofessional to be setting up your booth the day the show opens—and unfortunately, I have been there.

I once commandeered the hotel dining room at 4 a.m. with my soldering iron trying to repair a prototype, and I still spent half the first day of the show working on electronic gremlins inside a fake closet at the booth. It was embarrassing and detrimental to the opening of the show.

Prepare body and mind

The moment the doors open is special. You have been inventing, building and preparing your product. This is the moment you can finally show it to the world.

On the other side of the gate, attendees have been waiting for over an hour to get in; there is an audible roar when security steps aside to officially open the show.

It is exhilarating. This is when the fun begins.

You are now essentially a tech athlete. You will be on your feet all day—pitching your product, talking to attendees, hopefully doing interviews for a variety of media outlets. You must be prepared.

Make sure you get a good night's sleep, stay hydrated and wear comfortable shoes. No one will remember if you wore your comfy HOKAs all day.

Use those Vegas nights

The show doesn't end when the halls close (most days at 6 p.m.).

Some of the most important meetings happen after hours or at parties spilling out across the strip. This is when you can have greater depth of conversation—at dinner, maybe a bar—and solidify connections.

Plan informal get-togethers and/or strategize to max out your opportunities. But do your best to pace yourself; realize when the value of the event has saturated so you can get back to your room to rest for the next day.

Your exit strategy

Once the show ends on the last day, the vibe completely changes. It is a drag race to get out of there.

The staff at the exhibit halls start ripping up carpet; workers come out with trash cans; forklifts start navigating the walkways to deliver crates. This is when planning can help you get out quickly after 4 days on your feet.

It will save you a lot of stress to know beforehand how all the materials are going to be packed away and shipped back home, so you are not trying to engineer your exit when you are the most exhausted.

I once had to wait about 4 hours after the show closed before the crate for my booth was delivered and teardown could start. I did not leave show hall until close to midnight. Plan your flights and travel accordingly.

Jeremy Losaw, University of North Carolina at Charlotte
Super Fab Lab Specialist

The exhibit hall is chaotic after the show closes. Keep an eye out for forklifts, and make sure you have a plan to pack up everything.

BRIGHT IDEAS

NeoSander

PALM-SIZED, ELECTRIC
RECIPROCATING DETAIL SANDER
hozodesign.com

With eight quick-swap sanding heads and a high-speed, reciprocating linear motor, the HOZO Design NeoSander is made to reach tight spots and nail fine finishes with professional-level precision and ease—whether it's smoothing 3D prints, cleaning nub marks or refining wood carvings. It delivers straight-line sanding motion at up to 13,000 strokes per minute.

NeoSander also includes two specialized saw blades, convertible into what the company bills as the world's first palm-sized, mini reciprocating saw.

The sander charges in 30 minutes, keeps a charge for 45 minutes in heavy-duty use and 240 minutes in light use.

Part of a Kickstarter campaign into early March, NeoSander is currently set to retail at $129.

Polar

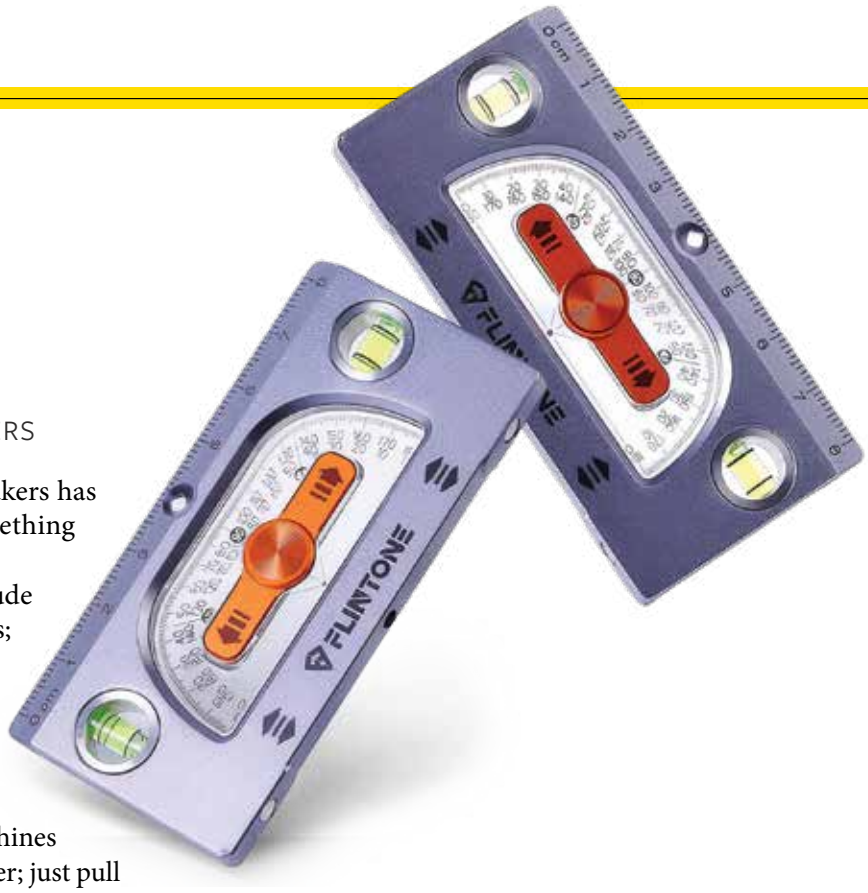
OPEN-FRAME LIGHTER
eckidea.com

Claiming to be the world's first open-frame lighter, Polar serves as a fuel-efficient lighter; foldable compass; mirror; optional loupe; watch, and waterproof capsule. Just unscrew two screws and split it into two fully independent tools—a lighter and a compass.

Polar is machined from titanium or brass. Every interface is sealed to lock in fuel. This is said to improve fuel efficiency to over 90 percent, compared to the 30 percent efficiency of regular lighters.

Polar holds up to 5ml of fuel, 1.7 times more than a regular lighter. The compass rotates 360 degrees and folds compactly.

With a future retail price of $179, Polar will be shipped to crowdfunding backers in June.



FLINTONE Mega Ruler

MULTI-FUNCTIONAL TOOL FOR MAKERS

This titanium ruler for casual to expert makers has nine professional-grade functions, in something smaller than your phone.

Advertised features and capabilities include infinite extension lines; perfect parallel lines; true vertical lines; any angle lines 0 to 180 degrees; precision protractor; horizontal level module; plumb level; magnetic mounting; built-in marking pen.

The Mega Ruler includes N52 magnets flush mounted that stick to steel beams, machines or your refrigerator. A pen lies within the ruler; just pull it out to mark, and slide it back in.

FLINTONE will retail for $99. It is to be shipped to Kickstarter crowdfunding backers in March. No company website could be found.

"An invention has to make sense in the world it finishes in, not in the world it started." —TIM O'REILLY

Izestee

AIR-MIST DESKTOP AEROPONIC PLANT ECOSYSTEM

Yet another new product that claims to be a world first, Izestee is a plant ecosystem that grows not in soil but a nutrient-rich mist.

Light, temperature and humidity are all precisely integrated together inside a clear, compact cube on your desk. This environment purportedly gives the roots more oxygen, cleaner hydration and a much healthier growing structure.

The cube's visual transparency turns plant care from guesswork into data-driven monitoring.

The basic system will retail for $170, with shipping for crowdfunding backers set for March. No company website could be found.

Mission: Goals of Control

When you plan your 2026 objectives, focus on these 12 areas not dependent on anyone else **BY APRIL MITCHELL**

Happy New Year! By now, you've had about a month to sit with your new goals and really get started on them.

How's it going? Are you working on some major goals?

A couple years ago, I had the goal of signing 10 licensing agreements for the year. Yes, I know this is a big goal for any inventor and sounds crazy, but when it did not happen before year's end, I was disappointed.

I really thought this was something I could do (and still believe it's possible), but the trouble with this goal is that the outcome wasn't all in my hands.

Though I have goals of licensing new products and bringing my first self-published game to market this year, I have reframed my goals to things over which I personally have control.

What you can control

Here is a list of things we as inventors and designers can control. Evaluate yourself using this list to identify some areas you can work on throughout this year, and set goals.

Time management. Are you using your time wisely, or could you become more efficient? How much more work could you get done if you know exactly what needs to be done, the order it needs to be done in, and get right to it?

Getting organized. Are your thoughts, projects and notebooks scattered everywhere? Would getting organized help your output? What would help you become organized?

Number of projects. How many projects can you work on at a time without burning out? What do you logistically have time for with the other factors in your life? Can you fully commit to those projects and see them all the way through?

Number of possible product contacts. Are you contacting every company your product will fit in, or are there more out there to research contact? It can take time getting to the right person, so be sure to try various methods for getting ahold of them.

Frequency of follow-up. Do you give up too quickly because a person or company hasn't responded yet, or do you persist until you have a yes or no answer?

Staying positive. Check your attitude toward yourself and others. Be the person others want to work with. If you are too stressed or things are bringing you down, take a step back and evaluate things further.

Learning new skills. We can't know it all, but we can continue to learn and become the best version of ourselves: honing our skills and stretching to new heights. When we are learning new things, our creativity has new areas to explore. Always be open to new ideas and learning new things.

Attending industry events. I find that when I see new things, travel and am among other industry people, I am energized. Have you attended any industry events—or could you? Even online series are great!

Being part of the inventor community. Join inventor groups and/or playtesting groups. It

wears you down to go at things on your own all the time. Having a community to share things with goes a long way, and industry friends are the best. You can share battle wounds—and no one understands the up and downs of the business like the inventor community!

Your work effort. You can decide how hard you are going to work and if you're giving a project your all. If you're not putting your best effort into things, ask yourself why and decide if you should continue with the project or not.

Limiting time on social media and TV. Ever "doom scroll"? Maybe it's a daily occurrence for you? Me, too. It happens too often. When we spend our time on social media instead of learning or on our projects, the time adds up quickly and does not benefit us. As a business owner I post daily on social media because it benefits my business, but it's important to notice the amount of time doing it.

Getting a mentor. Having a person or people you can turn to for advice or guidance is a smart move. And if you can be that for someone else, definitely pay it forward. Mentorship often develops into a good friendship.

Pick a goal-setting date

Success looks different to everyone. I think goal setting is a great way to measure our work and productivity throughout the year.

I typically goal-set for my birthday each year. A few days before my birthday, I review my previous year's goals and what I accomplished, and what I can do better. Then I make goals for my next year.

It benefits me more to set goals I can control, like learning some new business skills for running my own self-publishing game business, or getting connected with my local business community and meeting new people. These goals I can control will, in turn, affect my business positively as a whole.

I encourage you to set some goals for this year in areas that you need work in—things you can control. When we succeed with these goals, it's a testament to what we can achieve when we put our minds and efforts to things.

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.

AI a 2-Sided Coin

Heads: Lawful and necessary tool
Tails: Unregulated IP rights infringer.

BY ANDREA L. ARNDT

Artificial intelligence has moved from novelty to necessity at a pace few technologies have ever matched. Generative AI systems now draft text, design products, compose music and write software code—often in seconds.

For inventors and creators, this acceleration presents extraordinary opportunities but raises very complex intellectual property infringement questions.

Is AI a powerful tool that lawfully builds on existing knowledge, or is it an unregulated copier that threatens the value of human creativity?

The answer depends largely on where one sits in the debate.

The case for concern

From the perspective of inventors, artists and patent owners, AI systems pose real and immediate infringement concerns. Many generative models are trained on massive datasets scraped from the internet, technical publications, images, music libraries and code repositories.

Those datasets often include copyrighted works, patented inventions and trade secrets, frequently without the explicit consent of rights holders.

Copyright owners argue that using protected works to train AI models is itself an act of infringement, particularly when the resulting outputs closely resemble the original material.

Visual artists have pointed to AI-generated images that mimic distinctive styles. Authors have alleged that language models reproduce passages that are substantially similar to their books. Software developers raise similar concerns when AI tools generate code that mirrors proprietary programs.

For inventors, the risk extends beyond copyright.

AI-assisted design tools can generate product configurations or technical solutions that unknowingly fall within the scope of existing patents. A company that relies heavily on AI-generated designs may find itself accused of patent infringement without ever having intentionally copied a competitor's technology.

These risks are amplified by the opacity of many AI systems. When neither the developer nor end user can fully explain which training data was used in the generation of an output, performing traditional freedom to operate or clearance analyses becomes more difficult. For small inventors and startups, defending infringement claims tied to AI use could be financially detrimental.

Key issue: The engine's role

An important question is whether the AI engine itself can be infringing, separate from any particular output.

Rights holders argue that infringement can occur at the training stage, when copyrighted works are copied into datasets to build the model—even if the final outputs are not exact replicas.

This theory is now being tested in high-profile litigation. In June 2025, Disney Enterprises and Universal filed suit against AI image generator Midjourney, alleging that the company trained its model on vast quantities of copyrighted characters and images without authorization.

The complaint points to AI-generated images that closely resemble well-known characters and argues that the engine itself is built on systematic infringement rather than incidental exposure. The studios seek to hold the AI developer responsible for both the training process and the predictable outputs that follow.

Other major copyright owners—including authors, news organizations and visual artists—have brought similar claims against AI developers. These plaintiffs assert that large-scale ingestion of protected works exceeds fair use and amounts to unlawful copying.

Collectively, the cases raise the possibility that liability may attach not only to users who deploy AI outputs but to the companies that design, train and commercialize the engines themselves.

AI developers counter that training necessarily involves temporary and intermediate copying that is transformative and non-expressive. They argue that holding AI engines liable would overturn decades of precedent that allow technology to learn from existing information. Courts have not yet determined where that line will be drawn.

Overstated risks?

On the other side of the debate, AI developers and many technology companies argue that infringement concerns, while understandable, overstate the legal risks and underestimate AI's societal value. They contend that training AI models on large datasets is analogous to how humans learn—by reading, observing, and synthesizing existing information.

From this perspective, they argue that AI does not store or reproduce protected works in a traditional sense but instead learns statistical relationships that allow it to generate new outputs. Supporters often point to fair-use principles, particularly when training does not substitute for the original work in the marketplace.

In the patent context, proponents argue that AI is another tool in the inventor's toolbox, similar to computer-aided design software or simulation platforms. Patent infringement remains governed by claim scope, not by whether a human or a machine assisted in development.

AI developers warn that limiting access to training data could slow innovation and deprive independent inventors of tools that reduce development costs and accelerate experimentation.

The legal system is still catching up.

Courts are facing whether AI training constitutes infringement, whether outputs can be infringing even when they are not identical to source material, and who bears responsibility for resulting harm. Regulators worldwide are proposing transparency requirements, data use disclosures and opt-out mechanisms for rights holders though no comprehensive framework has emerged.

For inventors and creators, this uncertainty cuts both ways. AI can dramatically enhance research, prototyping and commercialization efforts, but it also introduces new diligence obligations. Understanding how AI tools are trained, what licenses apply and how outputs are used is becoming an essential part of intellectual property risk management.

Finding balance

A balanced approach between IP infringement and IP innovation is likely to emerge—one that preserves strong intellectual property rights while recognizing AI's transformative potential.

Meanwhile, inventors and creators should proceed thoughtfully.

Using reputable AI tools with clear terms of usage, maintaining documentation of development processes and seeking legal guidance before commercialization can help mitigate risk. At the same time, rights holders should monitor how their works are used and engage in policy discussions shaping the future of AI and intellectual property law.

Artificial intelligence is reshaping how ideas are created and refined. Whether it ultimately strengthens or erodes intellectual property rights will depend on how the law evolves and how responsibly innovators deploy this powerful technology.

Andrea L. Arndt is a member of the Intellectual Property Practice Group at Dickinson Wright in Austin, Texas. She advises inventors, startups and established companies on patent, trademark, copyright and emerging technology issues, including artificial intelligence and intellectual property risk management.

Reviewing '25, Forecasting '26

Patent market gains boosted by PTAB procedural changes, court rulings, but breakthrough reforms needed

BY LOUIS CARBONNEAU

It is often said that the patent market is somewhat contrarian to the general economy. This suggests that when the economy goes down, patent transactions and valuation pick up, and vice versa.

This is a rather simplistic world view. Although it may be true from time to time, factors that affect patent valuations are more diverse and react differently to what happens in the economy.

For those who have been reading this column for a while, you can probably skip directly to the next paragraph. For those who are new, I repeat once more what these factors track, based on a few decades of transactions and observations:

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

Let's see how these have affected the environment that dictates whether valuations are going up or down, with corresponding headlines.

Supply and demand: "Non-practicing entities (NPEs) dominate as brokered market stabilizes at $158 million."

The patent marketplace maintained robust liquidity throughout 2025. AST's quarterly reports documented 466 transactions involving 3,597 patent assets in the first quarter, then 454 transactions with 1,921 assets in the third quarter—sustained activity reflecting a mature market.

The most striking shift: NPE acquisition share jumped from 30 percent in fourth-quarter 2024 to 48 percent in the first quarter of 2025—signaling aggressive accumulation by assertion-focused entities. (*Editor's note:* An NPE is a patent holder that does not produce goods or offer services based on its patents, instead preferring to monetize them through licensing, sale or litigation.)

One can practically hear the champagne corks popping at litigation finance firms.

Richardson Oliver's 2025 Patent Market Report reveals the brokered patent market stabilized at $158 million—consistent with 2022-2023 levels. As the report notes, "the secondary patent

market has become that oddly predictable relative at the reunion—always a little chaotic, rarely dull and somehow still showing up in a new suit every year."

The report emphasizes these assets remain "some of the most dangerous" in terms of litigation risk, accounting for approximately 32 percent of all U.S. patent litigations filed.

Case law: "Damages and AI eligibility reshaped."

EcoFactor v. Google (May 21) was the United States Court of Appeals for the Federal Circuit's first *en banc* utility patent ruling since 2018, fundamentally altering how damages experts must construct royalty analyses. (*Editor's note: En banc* refers to all judges of an appellate court hearing a case together.)

The 8-2 decision vacated a $20 million verdict, holding that settlement agreements containing lump-sum payments cannot support per-unit royalty testimony unless both parties unambiguously agreed to such rates.

EcoFactor's expert relied on licenses with "whereas" clauses stating lump sums were "based on what EcoFactor believes is a reasonable royalty"—language the court found insufficient. Apparently, "trust me, I'm an expert" no longer qualifies as sufficient factual foundation.

Recentive *Analytics v. Fox Corp.* (April 18) delivered the federal circuit's first direct ruling on AI/machine learning patent eligibility, invalidating all four Fox patents covering machine learning-based TV broadcast optimization. The court held that "claims that do no more than apply established methods of machine learning to a new data environment" fail patentable subject matter requirements.

The court characterized "iterative training, dynamic updates, or real-time adjustments" as "incident to the very nature of machine learning"—not transformative features warranting patent protection. In other words, slapping "with machine learning" onto an existing process is about as innovative as adding "on a computer" was in the 1990s.

The 2025 patent landscape fundamentally shifted the balance toward patent owners through multiple reinforcing mechanisms.

Regulatory environment: "Patent Trial and Appeal Board institution rates collapse under new USPTO Director John Squires."

Confirmed as director via a U.S. Senate vote on September 18, Squires implemented dramatic changes to PTAB proceedings. Under his centralized director review policy, institution rates for inter partes review (IPR) that challenge the validity of patent claims plummeted to approximately 4 percent through December 1—with 99 of 105 petitions denied on discretionary grounds, only 4 granted.

The preceding period under Acting Director Coke Morgan Stewart established the foundation. Institution rates hit a 5-year low of 50 percent in fiscal year 2025, collapsing to 24 percent, 20 percent and 27 percent in July-September 2025. Discretionary denial rates reached 61 percent during the May-October "Interim Era."

Squires' October 20 policy routes all institution decisions through director review with three PTAB judges, with summary notices (containing no reasoning) as the primary vehicle.

This transformation fundamentally enhances patent value: Patents now survive validity challenges that would have succeeded under previous standards. For patent challengers, the new regime offers roughly the same odds of success as a Powerball ticket—but with considerably higher legal fees.

Damage awards: "Payouts exceed $1.9 billion in first half of 2025."

The extraordinary totals were topped by a $948.76 million verdict (contested) in *VLSI v. Intel*. However, the federal circuit demonstrated willingness to overturn substantial verdicts, with *Optus Cellular v. Apple*'s $300 million verdict vacated for verdict form defects.

Funding to support assertion: "Total grows to $15-18.9 billion."

Third-party litigation funding now backs over 30 percent of patent lawsuits against large technology companies. Total industry commitments reached $15 billion-18.9 billion.

In summary, the 2025 patent landscape fundamentally shifted the balance toward patent owners through multiple reinforcing mechanisms. However, caution remains warranted.

The legislative agenda faces significant opposition; Director Squires' policies could face legal challenges; the EcoFactor standard may suppress damages valuations for patents lacking robust comparable license documentation.

The market has found stability, but whether 2026 brings the breakthrough policy reforms that could expand the transactable universe from 1 percent to 10 percent of issued patents remains the critical question.

After all, there are approximately 3 million active U.S. patents, and at current transaction volumes, we're moving roughly 4,000 annually—which, at this rate, will achieve full liquidity sometime around the year 2775! Mark your calendars accordingly.

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.

LATEST ON 3 INVENTOR RIGHTS BILLS

The PREVAIL Act has achieved the most progress of three inventor-related bills, passing the Senate Judiciary Committee 11-10 on November 21, 2024. However, passage came only after a manager's amendment addressing patient advocacy concerns; several Democratic senators voted yes with explicit reservations about floor support.

In legislative terms, this is the equivalent of agreeing to a second date but keeping Tinder installed.

The bill died with the 118th Congress but was reintroduced this past May 1 with separate House and Senate bills. Both remain in committee with no markup scheduled.

The PREVAIL Act would require petitioners to demonstrate standing through active infringement engagement, limit challenges to one IPR per patent, shift burden of proof to "clear and convincing evidence," and mandate panel separation.

PERA was withdrawn from committee in November 2024 after Senator Thom Tillis (R-North Carolina) alluded to forces "trying to undermine progress." The bill was reintroduced this past May 1, 2025 in the Senate and House.

The Senate IP Subcommittee held a hearing on October 8 featuring former USPTO Directors Andrei Iancu and David Kappos, both strongly endorsing the bill. Witnesses emphasized that the current eligibility framework uncertainty reduces venture capital investment in diagnostics and AI.

The bill would eliminate all judicial exceptions while establishing five narrow statutory exclusions: unintegrated mathematical formulas, substantially economic processes, mental processes, unmodified human genes and unmodified natural materials. Despite renewed momentum, the bill hasn't proceeded to full markup.

The RESTORE Act was reintroduced last February 25 in both the House and Senate. The single-sentence bill establishes a rebuttable presumption favoring permanent injunctions upon final judgment.

All three bills enjoy bipartisan support and align with the current U.S. administration's goals for AI innovation leadership. However, opposition from pharmaceutical pricing advocates and technology defendants creates significant headwinds. Apparently, "innovation leadership" means different things, depending on which side of the infringement complaint you occupy.

The most likely 2026 scenario: PREVAIL has the best chance, given committee passage, though amendments will be required. PERA may see another markup attempt. RESTORE faces the steepest climb.

In other words, expect more hearings, more amendments, more carefully worded press releases, and possibly—just possibly—some actual legislation.

How Much Focus on Engineering?

Consider the pluses and minuses of how much you focus on prototyping your product

BY JACK LANDER

The ultimate success or failure of a new product often depends on whether we devote sufficient resources to prototyping.

A prototype usually evolves. The final product may appear on its exterior just as it appeared when first conceived, but internally, changes usually have occurred.

I have experienced this in the instances of companies I have worked for as a mechanical engineer, as well as my current experiences as an independent inventor.

In mid-November, I applied for a patent on a medical device. (Unfortunately, until my patent issues or is rejected by the patent office, I must withhold specific design features.) However, as my design progressed through three dimensions, I added a feature that solved one of the main functional issues.

Several days later, it occurred to me that this feature could be modified to become the main, novel feature that might be patentable. Regardless, this feature greatly improved the intended function of the device.

Thus, spending time with early designs is essential.

Most prototyping is done to ensure a profitable and reliable product for the producer, with benefits for the ultimate user. But reducing the quantity of components incorporated into a potentially new product is a benefit to the eventual user, as well as any licensee of a patent.

When you have time to think and to redesign perhaps several times, the leap from prototype to production can be short.

Choices and impacts

In the contest between marketing and engineering, here are the main factors to consider.

If you make a prototype, the advantages:

- Fewer parts in product; better reliability; lower cost to produce.
- May be superior to the competition.

If you make a prototype, the disadvantages:

- Competition may get to market first if urgency isn't stressed.
- Upfront need for finance. Cash flow is delayed.

If you skip a prototype, the advantages:

- May be first in the market.
- Early positive cash flow.
- User critique about missing features, faults, etc.
- Returns minimized.
- Returns provide clues for design changes.

If you skip a prototype, the disadvantages:

- Suboptimum function design may poor sales.
- Company reputation is hurt on its other product.
- Selling price may be too high. due to cost of excess components.

No doubt there are more points to add. But the list above will be useful in forming an objective prototyping policy, which will cover the specific obligations and duties of marketing and of engineering.

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.

AFTER THE INVENTION:

5 Biggest Mistakes

Selling your invention before filing for a patent can lead to disastrous forfeitures of rights **BY GENE QUINN**

There is a maze of information available online for new inventors, much of it very good and much of it highly questionable. Therefore, it is not surprising that I constantly receive multiple general inquiries from newbie inventors.

Although the inquiry can take many different forms, the question inevitably boils down to something like this: "I have recently come up with an idea that I would like to pursue. I have never invented anything in the past, and I have no idea where to start. Help!"

The first step toward commercializing an invention and making money from it is typically to pursue the patent path. On the road to a patent there are many mistakes that inventors can make unwittingly, some of which will ultimately make it impossible to obtain a patent.

With that in mind, here is a list of the top five mistakes inventors make, followed by what you should do to move your project forward.

1 Selling before filing

In the United States, you have 12 months from the time your invention was first sold to file either a provisional patent application (PPA) or nonprovisional patent application. If you miss this timeframe, you have forever forfeited the right to obtain a patent for that invention in the United States.

Many inventors know this rule but will start to sell the product before a patent application is filed. That may not present a problem as long as you keep the 12-month time limit in mind, but once you sell the invention you have almost certainly forever lost any foreign rights you might have been able to acquire.

The United States is peculiar in allowing a 12-month grace period. The rest of the world follows an absolute novelty requirement—which means that if you sell the invention before a patent application has filed, you forfeit the right to obtain a patent. So if you want foreign patents, apply for a patent before you sell the invention.

Furthermore, not only does selling the invention have severe negative consequences, but offering to sell the invention has the same consequences.

2 Publicly using the invention

Public use of an invention can create the same problems as a sale or offer for sale. In America, if you use an invention publicly, you have 12 months from the first public use to apply for a patent.

Again, if you want foreign rights, you must apply first before you use the invention publicly.

3 Terrible PPAs

A provisional patent application is a great tool when used properly, and devastating when not used properly.

A PPA is extremely easy to file; all you have to do is complete the cover sheet provided by the USPTO and other necessary forms, then attach a detailed description of your invention. There are no requirements that the description be in a particular format. This has led to many non-lawyers and non-law firm vendors offering provisional patent application services for under $100.

Unfortunately for the unwitting inventor who uses a bargain-basement service provider, the law requires that a provisional patent application describe the invention with the same level of detail as is required of a nonprovisional patent application. So although you can easily get a PPA on file and have a "patent pending," if you do not describe the invention with the level of detail and sophistication required by patent laws, your provisional application is worthless.

Even worse, because you had a patent application pending, you may have done things such as using or selling your invention. This is a nightmare.

If you filed a provisional application that was not specific enough and then used or sold your invention, you have forever forfeited foreign rights, and the application you filed may not be able to be used later to support a filing date. Worse, a badly done PPA could even conclusively prove that when you filed the application you did not have a completed invention.

4 No professional patent search

I hear all the time from inventors who have done their own patent search and have found nothing similar to their invention. As mentioned in this space last month: With granted U.S. patents at eight figures in quantity and climbing, it is virtually impossible to do a patent search and not find something relevant.

Patent searching is an art. If you are not intimately familiar with how the patent office classifies inventions and how attorneys characterize things, you would never find what you are looking for—even if there is a patent out there that covers exactly what you invented.

Getting a patent is an expensive undertaking, so saving a few hundred dollars by doing your own patent search with no qualified, professional help is just silly.

Sure, look for yourself first. If you find something, you save the money you would have otherwise paid—but just because you do not find anything does not mean that there is nothing to be found.

Why spend many thousands of dollars seeking a patent when a professional patent search would have shown you that a patent would likely not be awarded?

5 No internet search

Over the years, I have preached to inventors over and over again about the importance of doing a patent search. Earlier in my career, I heard from inventors who said they searched the internet thoroughly and could not find the invention, so they want to move forward.

Wait a minute! There are any number of reasons a product might be patented and not available for purchase.

For example, independent inventors will many times obtain a patent and then not follow through, run out of money, lose interest or simply not succeed despite best efforts. Then, when someone else has the same or similar idea/invention (which will always happen), a search is done, the prior art is found and the decision is made that it isn't worthwhile to commercialize if a patent cannot be obtained.

There are many gadgets not on the market because no patent protection could be obtained due to the gadget being patented many years earlier.

Over time, however, I have known inventors who do their own patent search; have a professional patent search done in a responsible manner; everything looks great. Then, out of nowhere, the inventor finds the exact thing is available for sale on the internet.

What?

A patent search is just that: a search of patents and published patent applications. You hire trained professionals to conduct a patent search, but the patent search does not typically include a product search online. That is the responsibility of the inventor.

So, if you come up with an invention, the first thing you should do is see whether it exists and can be purchased online or in stores. If it can be, you shouldn't move forward.

If you can't find it online, don't celebrate and rush off to hire a patent attorney. Do your own patent search. Then, once you confirm you can't find it on the internet and you can't find a patent reference, proceed to the patent search stage.

What should you do?

Once you are ready to have all the preliminary matters taken care of, you will likely want to file a professionally prepared PPA after having a professional done patent search. Move with all due speed: An early filing date is important because it prevents what others do after you file from becoming prior art that can be used against you.

Once you file the PPA, you can tell people you have a patent pending, And because your application has been filed, you can sell the invention and tell others about the invention without worrying about compromising your patent rights.

It is always best to get a confidentiality agreement when you talk to others about your invention, although once you have a PPA filed it is less important.

So, during the 12-month period that the PPA is pending, you try to contact those who could manufacture your invention, and those who may be able to help you sell the invention or get it placed in stores.

You might consider starting a business. You can also see if there is interest on the part of anyone to acquire your patent rights.

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.

Team Player is an Elite Fellow

Microbiologist, Distinguished Professor at Stony Brook receives NAI honor

CAROL A. CARTER, SUNY Distinguished Professor in the Department of Microbiology and Immunology of the Renaissance School of Medicine at Stony Brook University, was elected as a 2025 Fellow of the National Academy of Inventors (NAI)—the highest professional distinction accorded solely to academic inventors. Stony Brook made the announcement on January 13.

Justia Patents names Carter, a microbiologist, on 15 pending or approved patents. She has made significant contributions to the field of virology through her innovative research and methods.

Responding to a request for comment by *Inventors Digest*, Carter expressed gratitude for the honor in a team context that included a partial Who's Who in health- and science-related fields at Stony Brook.

"I am honored to be accepted into this organization of such impressive contributors and especially proud to join the esteemed company of my colleagues here at Stony Brook—including our President Andrea Goldsmith; the president of our SBU chapter, Iwao Ojima; my early collaborator, Professor Ben Chu; Professors Esther Takeuchi, Clint Rubin, Ben Hsiao, Stan Wu, Arie Kaufman and the former dean of our Renaissance School of Medicine, Ken Kaushansky. All have been very inspiring to me over the years."

The NAI Fellows Program was established to highlight academic inventors who have demonstrated a prolific spirit of innovation in creating or facilitating outstanding inventions that have made a tangible impact on quality of life, economic development and the welfare of society.

Widely recognized as an early pioneer in HIV research, Carter was recently elected a member of the U.S. National Academy of Sciences.

Her work on the isolation and purification of recombinant forms of the viral encoded protease and viral capsid protein was critical for advancing understanding in the field. Her groundbreaking research identified an interaction between HIV-1 and host protein Tsg101 that is essential for the budding of viral particles from infected cells, opening a new field of research in virology and cell biology.

Carter's honors include the David Derse Memorial Retrovirology Award, the Long Island Innovator of the Year Award, the Suffolk County (New York) Martin Luther King, Jr. Commission Public Service Award and the Stony Brook University Presidential Award for Promoting Diversity and Academic Excellence. She was designated a Pioneer in Molecular Biology by the Journal of Molecular Biology and was elected to the National Academy of Sciences in 2024.

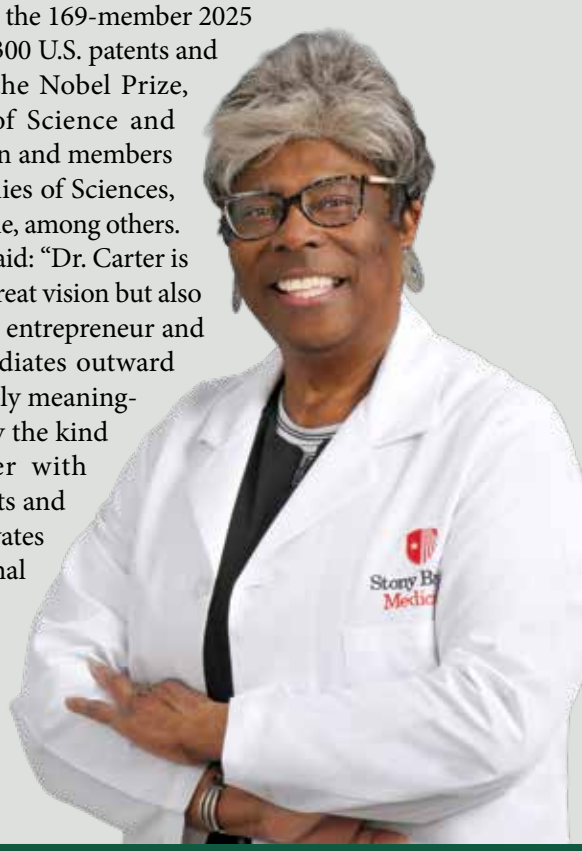
According to the NAI, the 169-member 2025 class holds more than 5,300 U.S. patents and includes recipients of the Nobel Prize, the National Medals of Science and Technology & Innovation and members of the National Academies of Sciences, Engineering and Medicine, among others.

Stony Brook's Ojima said: "Dr. Carter is not only an inventor of great vision but also an exceptional educator, entrepreneur and mentor whose work radiates outward into society in profoundly meaningful ways. She is precisely the kind of scholar-practitioner with exceptional achievements and future promise who elevates the mission of the National Academy of Inventors."

Carter will be inducted at the NAI 15th annual meeting on June 1-4 in Los Angeles.

Program's Massive Impact

The NAI Fellows program, founded in 2012, includes 2,253 distinguished researchers and innovators who hold more than 86,000 U.S. patents and 20,000 licensed technologies. Their innovations have generated an estimated $3.8 trillion in revenue and 1.4 million jobs.



IP Predictions

Pursuit of clarity on AI, enforcing USPTO's recent patent-friendly reforms seen as major themes

BY EILEEN McDERMOTT

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

On Day 1 of 2026, IPWatchdog asked IP attorneys, experts and stakeholders for their predictions for the year ahead on the IP front. From AI, copyright and fair use to patent reform and USPTO operations, here is what they had to say.

Charley F. Brown of Ballard Spahr: I expect the center of gravity in AI IP disputes to move from inputs to outputs.

The early cases addressed training copies. The next wave will focus on when model outputs become infringing, what substantial similarity means for synthetic text and images, and how plaintiffs can actually prove market substitution or dilution.

On fair use, I do not expect a quick Supreme Court answer. Instead, we will probably see more detailed district court opinions and, eventually, the first circuit level decisions that start to sketch a workable standard for AI training. Those decisions will reward parties who invest in real evidence about how users interact with models and how those uses affect traditional and emerging markets.

In parallel, I would expect a shift in business practice. Clean data, licensing and provenance will become selling points and not just risk control. Boards and investors will ask harder questions about where training data came from, how long it is kept, and how well a company can document its story.

On the patent side, eligibility, AI inventorship and enablement for broad AI claims will remain constant pressure points.

Joshua Budwin of McKool Smith: 2026 will be the year (before the midterm elections, I hope!) that we get some patent reform legislation passed. While it would be great to have meaningful injunctive remedies restored, the bipartisan Patent Eligibility Restoration Act (PERA) has the best potential chance of passage. ...

If we're drinking the Kool-Aid, we can hope there's a chance for the STRONGER Patents Act as well, which would legislate some (but not all) of the reforms the current leadership of the patent office has instituted with respect to post-grant proceedings.

2025 was the year that the pendulum started to swing back in favor of innovators. I predict 2026 will see the pendulum swing a bit further in favor of innovators, especially if some legislation is passed. The reforms at the patent office made it more difficult for the big tech companies to have second and third bites at the apple in parallel proceedings (e.g. before the patent office and district court).

We're nowhere close to equilibrium, and big tech still throws its weight around, but I'm bullish on the future!

Gregory Cordrey and Jessica Bromall Sparkman of Jeffer Mangels Butler & Mitchell: At the Supreme Court level, practitioners are still awaiting final clarity on copyright laches and statute of limitations, issues that directly affect enforcement timing and long-term rights preservation.

Patent law will continue to evolve around artificial intelligence, particularly with respect to patent eligibility and inventorship. Courts and the USPTO are likely to confront whether AI-assisted inventions can support human inventorship or partial inventorship, an issue with major implications for ownership and enforceability.

Randy McCarthy of Hall Estill: Besides a continued wave of copyright owners providing follow-on class actions against Anthropic and other generative AI systems, and other collaboration deals between major movie studios and generative AI companies, I expect new cases to increasingly be filed against generative AI companies that include unfair competition and trademark claims, with arguments of economic damages being caused by the operation of those systems.

I also expect, or hope, that some of the issues relating to the ability of a generative AI company to generate images that may constitute copyright or trademark infringement will be resolved via summary judgment in some of the other pending cases to provide further, much-needed clarity in the law.

Jeff Morton, Ph.D, of Haynes Boone: There will be continued USPTO policy clarification with respect to AI and subject matter eligibility.

The USPTO recently (December 4-5, 2025) issued three memoranda that focused on subject matter eligibility under U.S. Patent Code Section 101. These updates purport to reflect USPTO Director John Squires' desire to recognize and promote artificial intelligence (AI) innovation, to rein in overbroad Section 101 rejections that have impacted America's leadership in AI innovation. It is reasonable to presume that further guidance will come from the USPTO on these AI/ Section 101 issues.

Amol Parikh, partner at McDermott Will & Schulte: One of the biggest shifts we're seeing is the continued tightening of inter partes review standards at the Patent Trial and Appeal Board. It's becoming much harder for petitioners to knock out patents, which means defendants lose some of the leverage they've historically had in settlement discussions. The practical result is that more cases will go deeper into litigation, and that raises the stakes for everyone involved.

At the same time, trade secrets are taking center stage. Companies are relying heavily on algorithms, data sets and proprietary processes, which either aren't a great fit for patent protection or are better kept confidential. With increased employee mobility and competitive pressures, protecting that know-how is going to be critical for staying ahead.

By the end of 2026, I expect to see an uptick in patent litigation filings and a surge in trade secret disputes. Companies will be rethinking their IP strategies, considering the stricter IPR standards and competitive pressures. Companies that fail to integrate trade secret protection into their broader IP portfolio are going to find themselves exposed, both in court and in the marketplace.

"The pendulum that has swung so significantly away from patent owners over the past dozen years will begin to swing back. But before inventors bring out the champagne, they should remember that without legislative change, all of these changes can be easily reversed."—WENDY VERLANDER

Justin Pierce of Venable: While there will be continuing focus on model training in several pending court actions, I predict there will be a growing amount of focus on Agentic AI, and specifically on what agents do, for example, when they are coding, publishing, purchasing, negotiating and transacting on behalf of another entity or human. Agent outputs, tool use and cross-agent workflows may drive new copyright, trade secret, data privacy and unfair competition claims.

John Rogitz of Rogitz & Associates: The most important developments in IP are likely to center on whether recent efforts to stabilize the patent system can be sustained—and whether they can be grounded in something more durable than agency guidance.

Absent congressional action or meaningful Supreme Court clarification, the USPTO will remain under pressure to fill gaps in areas like patent eligibility and PTAB practice. How far the office can go without overstepping its role will be a central question.

Artificial intelligence will also continue to test foundational patent doctrines. In 2026, we should expect increased scrutiny of inventorship, novelty and nonobviousness where AI tools play a significant role in each inquiry. Ideally, this will coincide with growing calls for clearer, technology-neutral standards that reward human ingenuity without penalizing the use of advanced tools.

Domingos Silva of Saul Ewing: We will likely observe some of the ripple effects of the government's increased scrutiny and de-monetization of higher education institutions, especially research universities. Across-the-board reductions in federal support for universities have dramatically reduced the overall university budgets, and such reductions may lead to research project terminations and headcount reductions.

The U.S. research ecosystem has benefited for decades from the IP created at universities and research institutions. University-level research has been largely supported by federal funds, and many companies, ranging from start-ups to large companies, license cutting-edge IP from universities and bring these emerging technologies to the public. Faced with reduced budgets, university technology transfer offices will likely have limited budgets for protecting the innovations generated by the university researchers, and companies will have access to a more limited selection of university-generated IP for licensing and commercialization.

Wendy Verlander of Verlander LLP: It is highly likely the patent office will enact its proposed rules concerning inter partes review institution. Those include stipulations not to pursue invalidity challenges in other forums and the so-called one and done rules, significantly limiting institution based on adjudication in other forums.

Those rules will have a cascading effect on the entire patent ecosystem. It will significantly reduce the number of IPRs filed and, of those, reduce the number instituted. It will also limit the number of patent challenges against a single patent and return the adjudication of patent validity mostly to the courts—all of which will ... in turn increase the value of patents. Increased patent value will foster more patent monetization, more case filings and more litigation funding.

Simply put, the pendulum that has swung so significantly away from patent owners over the past dozen years will begin to swing back. But before inventors bring out the champagne, they should remember that without legislative change, all of these changes can be easily reversed. And, of course, there will still be the Section 101 (subject-matter eligibility) challenges.

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

"AI-enabled, humanoid robots in live industrial environments" are coming to a location near you very soon, according to IoT News.

This eventuality is facilitated by a recently announced collaboration between Microsoft and Hexagon Robotics, which marries Microsoft's cloud computing and AI stack with Hexagon's acumen in robotics, sensing and spatial data. The focal point is Hexagon's industrial humanoid robot AEON, which is designed to operate in factories, logistics centers, engineering facilities, utilities infrastructure and inspection-heavy environments where variability and safety constraints limit the usefulness of traditional fixed automation.

Wunderkinds

East Liverpool (Ohio) students **Kiera-Mae Willis**, **Nathan Schwerha**, **Daylin Clark** and **Elijah Grogg** were among 55 award-winning inventors who displayed their creations at the Ohio Invention League's National Kid Inventors Day at the Ohio Statehouse in Columbus January 16. The foursome's invention is Volt Track, a modular system for 3D-printed houses that eliminates construction waste before and after construction. "To put in the wiring and some of the fixtures, you have to cut off the stuff that's already been printed to be put in," Elijah said. "The idea is, you print over these without having to waste as much material being cut out."

What IS That?

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Get Busy!

Toys and games are consistently among the hottest products in the invention field. Give yourself a Valentine's Day present by attending Toy Fair 2026 in New York City, February 14-17. **toyfairmy.com**

WHAT DO YOU KNOW?

1 **Which music classic's composition will fall into the public domain on January 1, 2027?**

A) "As Time Goes By" **B)** "The Tennessee Waltz"
C) "Don't Be Cruel" **D)** "I'll Be Seeing You"

2 **True or false:** **Thomas Edison was self-taught.**

3 **Which was invented first—the smoke detector or the modern, pressurized fire extinguisher?**

4 **True or false:** **Abraham Lincoln is the only U.S. president granted a patent.**

5 **Which of these celebrities was not issued a patent?**

A) Paula Abdul
B) Groucho Marx
C) Charlie Sheen
D) Steve McQueen

ANSWERS: 1. A. The composition will enter the public domain, but the specific recording made famous by the movie "Casablanca" is still protected. You can perform the song but can't re-release the original recording without permission. 2. False. He had formal education after leaving school around age 12, including chemistry classes. 3. Smoke detector, 1902; fire extinguisher, 1818. 4. True. U.S. Patent No. 6,469, in 1849. 5. B.

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